

**103RD GENERAL ASSEMBLY****State of Illinois****2023 and 2024****SB3697**

Introduced 2/9/2024, by Sen. Dale Fowler

SYNOPSIS AS INTRODUCED:

See Index

Amends the Children and Family Services Act. Requires the Department of Children and Family Services to coordinate the services of multidisciplinary child protection investigation teams to respond to child sexual abuse and sex trafficking reports made to the Department. Provides that at least one multidisciplinary child protection investigation team shall be organized in each county. Requires the State's Attorney of each county to annually report to the General Assembly on the status and progress of the team in the State's Attorney's county. Contains provisions concerning the establishment of a procedure and format for data collection; the composition of each multidisciplinary child protection investigation team; child sex abuse and sex trafficking investigations; supportive services referrals and psychological treatment for trafficked children and their families; and other matters. Requires the Department to work with a nonprofit charitable organization that focuses on human trafficking advocacy and education to provide mandatory annual training to child welfare agencies in the identification, intervention, prevention, and treatment of human trafficking victims. Extends foster care and related services to person under the age of 23. Amends the Illinois State Police Law. Requires the Illinois State Police to develop and deliver a course of instruction designed for Departments, agencies, or associations that are likely to come into contact with human trafficking and human trafficking victims during the course of delivering services. Amends the Child Care Act of 1969. Adds to the list of facilities regulated under the Act, residential facilities that provide specialized comprehensive treatment and support services to children and youth who are identified as victims of sex trafficking. Amends the Unified Code of Corrections. Requires moneys in the Specialized Services for Survivors of Human Trafficking Fund to be used to provide medical care, mental health and substance abuse care, nutritional counseling, job training, transportation, and other basic human needs to victims of prostitution and human trafficking. Makes other conforming changes related to extended foster care. Effective immediately.

LRB103 36730 KTG 66840 b

1 AN ACT concerning human trafficking victims.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Identification Card Act is amended
5 by changing Section 12 as follows:

6 (15 ILCS 335/12) (from Ch. 124, par. 32)

7 Sec. 12. Fees concerning standard Illinois Identification
8 Cards. The fees required under this Act for standard Illinois
9 Identification Cards must accompany any application provided
10 for in this Act, and the Secretary shall collect such fees as
11 follows:

12	a. Original card	\$20
13	b. Renewal card.....	20
14	c. Corrected card.....	10
15	d. Duplicate card.....	20
16	e. Certified copy with seal	5
17	f. (Blank)	
18	g. Applicant 65 years of age or over	No Fee
19	h. (Blank)	
20	i. Individual living in Veterans	
21	Home or Hospital	No Fee
22	j. Original card under 18 years of age	\$5
23	k. Renewal card under 18 years of age	\$5

1	l. Corrected card under 18 years of age	\$5
2	m. Duplicate card under 18 years of age	\$5
3	n. Homeless person	No Fee
4	o. Duplicate card issued to an active-duty	
5	member of the United States Armed Forces,	
6	the member's spouse, or dependent	
7	children living with the member	No Fee
8	p. Duplicate temporary card	\$5
9	q. First card issued to a youth	
10	for whom the Department of Children	
11	and Family Services is legally responsible	
12	or a foster child upon turning the age of	
13	16 years old until he or she reaches	
14	the age of <u>23</u> 21 years old	No Fee
15	r. Original card issued to a committed	
16	person upon release on parole,	
17	mandatory supervised release,	
18	aftercare release, final	
19	discharge, or pardon from the	
20	Department of Corrections or	
21	Department of Juvenile Justice	No Fee
22	s. Limited-term Illinois Identification	
23	Card issued to a committed person	
24	upon release on parole, mandatory	
25	supervised release, aftercare	
26	release, final discharge, or pardon	

1 from the Department of
 2 Corrections or Department of
 3 Juvenile Justice No Fee

4 t. Original card issued to a
 5 person up to 14 days prior
 6 to or upon conditional release
 7 or absolute discharge from
 8 the Department of Human Services No Fee

9 u. Limited-term Illinois Identification
 10 Card issued to a person up to
 11 14 days prior to or upon
 12 conditional release or absolute discharge
 13 from the Department of Human Services No Fee

14 All fees collected under this Act shall be paid into the
 15 Road Fund of the State treasury, except that the following
 16 amounts shall be paid into the General Revenue Fund: (i) 80% of
 17 the fee for an original, renewal, or duplicate Illinois
 18 Identification Card issued on or after January 1, 2005; and
 19 (ii) 80% of the fee for a corrected Illinois Identification
 20 Card issued on or after January 1, 2005.

21 An individual, who resides in a veterans home or veterans
 22 hospital operated by the State or federal government, who
 23 makes an application for an Illinois Identification Card to be
 24 issued at no fee, must submit, along with the application, an
 25 affirmation by the applicant on a form provided by the
 26 Secretary of State, that such person resides in a veterans

1 home or veterans hospital operated by the State or federal
2 government.

3 The application of a homeless individual for an Illinois
4 Identification Card to be issued at no fee must be accompanied
5 by an affirmation by a qualified person, as defined in Section
6 4C of this Act, on a form provided by the Secretary of State,
7 that the applicant is currently homeless as defined in Section
8 1A of this Act.

9 For the application for the first Illinois Identification
10 Card of a youth for whom the Department of Children and Family
11 Services is legally responsible or a foster child to be issued
12 at no fee, the youth must submit, along with the application,
13 an affirmation by his or her court appointed attorney or an
14 employee of the Department of Children and Family Services on
15 a form provided by the Secretary of State, that the person is a
16 youth for whom the Department of Children and Family Services
17 is legally responsible or a foster child.

18 The fee for any duplicate identification card shall be
19 waived for any person who presents the Secretary of State's
20 Office with a police report showing that his or her
21 identification card was stolen.

22 The fee for any duplicate identification card shall be
23 waived for any person age 60 or older whose identification
24 card has been lost or stolen.

25 As used in this Section, "active-duty member of the United
26 States Armed Forces" means a member of the Armed Services or

1 Reserve Forces of the United States or a member of the Illinois
2 National Guard who is called to active duty pursuant to an
3 executive order of the President of the United States, an act
4 of the Congress of the United States, or an order of the
5 Governor.

6 (Source: P.A. 100-201, eff. 8-18-17; 100-717, eff. 7-1-19;
7 100-827, eff. 8-13-18; 101-81, eff. 7-12-19; 101-232, eff.
8 1-1-20.)

9 Section 10. The Children and Family Services Act is
10 amended by changing Section 5 and by adding Sections 5.06 and
11 5.07 as follows:

12 (20 ILCS 505/5)

13 Sec. 5. Direct child welfare services; Department of
14 Children and Family Services. To provide direct child welfare
15 services when not available through other public or private
16 child care or program facilities.

17 (a) For purposes of this Section:

18 (1) "Children" means persons found within the State
19 who are under the age of 18 years. The term also includes
20 persons under age 23 ~~21~~ who:

21 (A) were committed to the Department pursuant to
22 the Juvenile Court Act or the Juvenile Court Act of
23 1987 and who continue under the jurisdiction of the
24 court; or

1 (B) were accepted for care, service and training
2 by the Department prior to the age of 18 and whose best
3 interest in the discretion of the Department would be
4 served by continuing that care, service and training
5 because of severe emotional disturbances, physical
6 disability, social adjustment or any combination
7 thereof, or because of the need to complete an
8 educational or vocational training program, or because
9 the person was involved in commercial sexual
10 exploitation such as prostitution, human trafficking,
11 escort services, pornography, dancing, or working in a
12 strip club or gentlemen's club, or in other activities
13 described in the federal definition of "severe forms
14 of trafficking in persons" at 22 U.S.C. 7102(11)(A).

15 (2) "Homeless youth" means persons found within the
16 State who are under the age of 19, are not in a safe and
17 stable living situation and cannot be reunited with their
18 families.

19 (3) "Child welfare services" means public social
20 services which are directed toward the accomplishment of
21 the following purposes:

22 (A) protecting and promoting the health, safety
23 and welfare of children, including homeless,
24 dependent, or neglected children;

25 (B) remedying, or assisting in the solution of
26 problems which may result in, the neglect, abuse,

1 exploitation, or delinquency of children;

2 (C) preventing the unnecessary separation of
3 children from their families by identifying family
4 problems, assisting families in resolving their
5 problems, and preventing the breakup of the family
6 where the prevention of child removal is desirable and
7 possible when the child can be cared for at home
8 without endangering the child's health and safety;

9 (D) restoring to their families children who have
10 been removed, by the provision of services to the
11 child and the families when the child can be cared for
12 at home without endangering the child's health and
13 safety;

14 (E) placing children in suitable permanent family
15 arrangements, through guardianship or adoption, in
16 cases where restoration to the birth family is not
17 safe, possible, or appropriate;

18 (F) at the time of placement, conducting
19 concurrent planning, as described in subsection (1-1)
20 of this Section, so that permanency may occur at the
21 earliest opportunity. Consideration should be given so
22 that if reunification fails or is delayed, the
23 placement made is the best available placement to
24 provide permanency for the child;

25 (G) (blank);

26 (H) (blank); and

1 (I) placing and maintaining children in facilities
2 that provide separate living quarters for children
3 under the age of 18 and for children 18 years of age
4 and older, unless a child 18 years of age is in the
5 last year of high school education or vocational
6 training, in an approved individual or group treatment
7 program, in a licensed shelter facility, or secure
8 child care facility. The Department is not required to
9 place or maintain children:

10 (i) who are in a foster home, or

11 (ii) who are persons with a developmental
12 disability, as defined in the Mental Health and
13 Developmental Disabilities Code, or

14 (iii) who are female children who are
15 pregnant, pregnant and parenting, or parenting, or

16 (iv) who are siblings, in facilities that
17 provide separate living quarters for children 18
18 years of age and older and for children under 18
19 years of age.

20 (b) (Blank).

21 (b-5) The Department shall adopt rules to establish a
22 process for all licensed residential providers in Illinois to
23 submit data as required by the Department, if they contract or
24 receive reimbursement for children's mental health, substance
25 use, and developmental disability services from the Department
26 of Human Services, the Department of Juvenile Justice, or the

1 Department of Healthcare and Family Services. The requested
2 data must include, but is not limited to, capacity, staffing,
3 and occupancy data for the purpose of establishing State need
4 and placement availability.

5 All information collected, shared, or stored pursuant to
6 this subsection shall be handled in accordance with all State
7 and federal privacy laws and accompanying regulations and
8 rules, including without limitation the federal Health
9 Insurance Portability and Accountability Act of 1996 (Public
10 Law 104-191) and the Mental Health and Developmental
11 Disabilities Confidentiality Act.

12 (c) The Department shall establish and maintain
13 tax-supported child welfare services and extend and seek to
14 improve voluntary services throughout the State, to the end
15 that services and care shall be available on an equal basis
16 throughout the State to children requiring such services.

17 (d) The Director may authorize advance disbursements for
18 any new program initiative to any agency contracting with the
19 Department. As a prerequisite for an advance disbursement, the
20 contractor must post a surety bond in the amount of the advance
21 disbursement and have a purchase of service contract approved
22 by the Department. The Department may pay up to 2 months
23 operational expenses in advance. The amount of the advance
24 disbursement shall be prorated over the life of the contract
25 or the remaining months of the fiscal year, whichever is less,
26 and the installment amount shall then be deducted from future

1 bills. Advance disbursement authorizations for new initiatives
2 shall not be made to any agency after that agency has operated
3 during 2 consecutive fiscal years. The requirements of this
4 Section concerning advance disbursements shall not apply with
5 respect to the following: payments to local public agencies
6 for child day care services as authorized by Section 5a of this
7 Act; and youth service programs receiving grant funds under
8 Section 17a-4.

9 (e) (Blank).

10 (f) (Blank).

11 (g) The Department shall establish rules and regulations
12 concerning its operation of programs designed to meet the
13 goals of child safety and protection, family preservation,
14 family reunification, and adoption, including, but not limited
15 to:

16 (1) adoption;

17 (2) foster care;

18 (3) family counseling;

19 (4) protective services;

20 (5) (blank);

21 (6) homemaker service;

22 (7) return of runaway children;

23 (8) (blank);

24 (9) placement under Section 5-7 of the Juvenile Court
25 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
26 Court Act of 1987 in accordance with the federal Adoption

1 Assistance and Child Welfare Act of 1980; and

2 (10) interstate services.

3 Rules and regulations established by the Department shall
4 include provisions for training Department staff and the staff
5 of Department grantees, through contracts with other agencies
6 or resources, in screening techniques to identify substance
7 use disorders, as defined in the Substance Use Disorder Act,
8 approved by the Department of Human Services, as a successor
9 to the Department of Alcoholism and Substance Abuse, for the
10 purpose of identifying children and adults who should be
11 referred for an assessment at an organization appropriately
12 licensed by the Department of Human Services for substance use
13 disorder treatment.

14 (h) If the Department finds that there is no appropriate
15 program or facility within or available to the Department for
16 a youth in care and that no licensed private facility has an
17 adequate and appropriate program or none agrees to accept the
18 youth in care, the Department shall create an appropriate
19 individualized, program-oriented plan for such youth in care.
20 The plan may be developed within the Department or through
21 purchase of services by the Department to the extent that it is
22 within its statutory authority to do.

23 (i) Service programs shall be available throughout the
24 State and shall include but not be limited to the following
25 services:

26 (1) case management;

- 1 (2) homemakers;
- 2 (3) counseling;
- 3 (4) parent education;
- 4 (5) day care; and
- 5 (6) emergency assistance and advocacy.

6 In addition, the following services may be made available
7 to assess and meet the needs of children and families:

- 8 (1) comprehensive family-based services;
- 9 (2) assessments;
- 10 (3) respite care; and
- 11 (4) in-home health services.

12 The Department shall provide transportation for any of the
13 services it makes available to children or families or for
14 which it refers children or families.

15 (j) The Department may provide categories of financial
16 assistance and education assistance grants, and shall
17 establish rules and regulations concerning the assistance and
18 grants, to persons who adopt children with physical or mental
19 disabilities, children who are older, or other hard-to-place
20 children who (i) immediately prior to their adoption were
21 youth in care or (ii) were determined eligible for financial
22 assistance with respect to a prior adoption and who become
23 available for adoption because the prior adoption has been
24 dissolved and the parental rights of the adoptive parents have
25 been terminated or because the child's adoptive parents have
26 died. The Department may continue to provide financial

1 assistance and education assistance grants for a child who was
2 determined eligible for financial assistance under this
3 subsection (j) in the interim period beginning when the
4 child's adoptive parents died and ending with the finalization
5 of the new adoption of the child by another adoptive parent or
6 parents. The Department may also provide categories of
7 financial assistance and education assistance grants, and
8 shall establish rules and regulations for the assistance and
9 grants, to persons appointed guardian of the person under
10 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
11 4-25, or 5-740 of the Juvenile Court Act of 1987 for children
12 who were youth in care for 12 months immediately prior to the
13 appointment of the guardian.

14 The amount of assistance may vary, depending upon the
15 needs of the child and the adoptive parents, as set forth in
16 the annual assistance agreement. Special purpose grants are
17 allowed where the child requires special service but such
18 costs may not exceed the amounts which similar services would
19 cost the Department if it were to provide or secure them as
20 guardian of the child.

21 Any financial assistance provided under this subsection is
22 inalienable by assignment, sale, execution, attachment,
23 garnishment, or any other remedy for recovery or collection of
24 a judgment or debt.

25 (j-5) The Department shall not deny or delay the placement
26 of a child for adoption if an approved family is available

1 either outside of the Department region handling the case, or
2 outside of the State of Illinois.

3 (k) The Department shall accept for care and training any
4 child who has been adjudicated neglected or abused, or
5 dependent committed to it pursuant to the Juvenile Court Act
6 or the Juvenile Court Act of 1987.

7 (l) The Department shall offer family preservation
8 services, as defined in Section 8.2 of the Abused and
9 Neglected Child Reporting Act, to help families, including
10 adoptive and extended families. Family preservation services
11 shall be offered (i) to prevent the placement of children in
12 substitute care when the children can be cared for at home or
13 in the custody of the person responsible for the children's
14 welfare, (ii) to reunite children with their families, or
15 (iii) to maintain an adoptive placement. Family preservation
16 services shall only be offered when doing so will not endanger
17 the children's health or safety. With respect to children who
18 are in substitute care pursuant to the Juvenile Court Act of
19 1987, family preservation services shall not be offered if a
20 goal other than those of subdivisions (A), (B), or (B-1) of
21 subsection (2) of Section 2-28 of that Act has been set, except
22 that reunification services may be offered as provided in
23 paragraph (F) of subsection (2) of Section 2-28 of that Act.
24 Nothing in this paragraph shall be construed to create a
25 private right of action or claim on the part of any individual
26 or child welfare agency, except that when a child is the

1 subject of an action under Article II of the Juvenile Court Act
2 of 1987 and the child's service plan calls for services to
3 facilitate achievement of the permanency goal, the court
4 hearing the action under Article II of the Juvenile Court Act
5 of 1987 may order the Department to provide the services set
6 out in the plan, if those services are not provided with
7 reasonable promptness and if those services are available.

8 The Department shall notify the child and the child's
9 family of the Department's responsibility to offer and provide
10 family preservation services as identified in the service
11 plan. The child and the child's family shall be eligible for
12 services as soon as the report is determined to be
13 "indicated". The Department may offer services to any child or
14 family with respect to whom a report of suspected child abuse
15 or neglect has been filed, prior to concluding its
16 investigation under Section 7.12 of the Abused and Neglected
17 Child Reporting Act. However, the child's or family's
18 willingness to accept services shall not be considered in the
19 investigation. The Department may also provide services to any
20 child or family who is the subject of any report of suspected
21 child abuse or neglect or may refer such child or family to
22 services available from other agencies in the community, even
23 if the report is determined to be unfounded, if the conditions
24 in the child's or family's home are reasonably likely to
25 subject the child or family to future reports of suspected
26 child abuse or neglect. Acceptance of such services shall be

1 voluntary. The Department may also provide services to any
2 child or family after completion of a family assessment, as an
3 alternative to an investigation, as provided under the
4 "differential response program" provided for in subsection
5 (a-5) of Section 7.4 of the Abused and Neglected Child
6 Reporting Act.

7 The Department may, at its discretion except for those
8 children also adjudicated neglected or dependent, accept for
9 care and training any child who has been adjudicated addicted,
10 as a truant minor in need of supervision or as a minor
11 requiring authoritative intervention, under the Juvenile Court
12 Act or the Juvenile Court Act of 1987, but no such child shall
13 be committed to the Department by any court without the
14 approval of the Department. On and after January 1, 2015 (the
15 effective date of Public Act 98-803) and before January 1,
16 2017, a minor charged with a criminal offense under the
17 Criminal Code of 1961 or the Criminal Code of 2012 or
18 adjudicated delinquent shall not be placed in the custody of
19 or committed to the Department by any court, except (i) a minor
20 less than 16 years of age committed to the Department under
21 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
22 for whom an independent basis of abuse, neglect, or dependency
23 exists, which must be defined by departmental rule, or (iii) a
24 minor for whom the court has granted a supplemental petition
25 to reinstate wardship pursuant to subsection (2) of Section
26 2-33 of the Juvenile Court Act of 1987. On and after January 1,

1 2017, a minor charged with a criminal offense under the
2 Criminal Code of 1961 or the Criminal Code of 2012 or
3 adjudicated delinquent shall not be placed in the custody of
4 or committed to the Department by any court, except (i) a minor
5 less than 15 years of age committed to the Department under
6 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
7 for whom an independent basis of abuse, neglect, or dependency
8 exists, which must be defined by departmental rule, or (iii) a
9 minor for whom the court has granted a supplemental petition
10 to reinstate wardship pursuant to subsection (2) of Section
11 2-33 of the Juvenile Court Act of 1987. An independent basis
12 exists when the allegations or adjudication of abuse, neglect,
13 or dependency do not arise from the same facts, incident, or
14 circumstances which give rise to a charge or adjudication of
15 delinquency. The Department shall assign a caseworker to
16 attend any hearing involving a youth in the care and custody of
17 the Department who is placed on aftercare release, including
18 hearings involving sanctions for violation of aftercare
19 release conditions and aftercare release revocation hearings.

20 As soon as is possible after August 7, 2009 (the effective
21 date of Public Act 96-134), the Department shall develop and
22 implement a special program of family preservation services to
23 support intact, foster, and adoptive families who are
24 experiencing extreme hardships due to the difficulty and
25 stress of caring for a child who has been diagnosed with a
26 pervasive developmental disorder if the Department determines

1 that those services are necessary to ensure the health and
2 safety of the child. The Department may offer services to any
3 family whether or not a report has been filed under the Abused
4 and Neglected Child Reporting Act. The Department may refer
5 the child or family to services available from other agencies
6 in the community if the conditions in the child's or family's
7 home are reasonably likely to subject the child or family to
8 future reports of suspected child abuse or neglect. Acceptance
9 of these services shall be voluntary. The Department shall
10 develop and implement a public information campaign to alert
11 health and social service providers and the general public
12 about these special family preservation services. The nature
13 and scope of the services offered and the number of families
14 served under the special program implemented under this
15 paragraph shall be determined by the level of funding that the
16 Department annually allocates for this purpose. The term
17 "pervasive developmental disorder" under this paragraph means
18 a neurological condition, including, but not limited to,
19 Asperger's Syndrome and autism, as defined in the most recent
20 edition of the Diagnostic and Statistical Manual of Mental
21 Disorders of the American Psychiatric Association.

22 (1-1) The General Assembly recognizes that the best
23 interests of the child require that the child be placed in the
24 most permanent living arrangement as soon as is practically
25 possible. To achieve this goal, the General Assembly directs
26 the Department of Children and Family Services to conduct

1 concurrent planning so that permanency may occur at the
2 earliest opportunity. Permanent living arrangements may
3 include prevention of placement of a child outside the home of
4 the family when the child can be cared for at home without
5 endangering the child's health or safety; reunification with
6 the family, when safe and appropriate, if temporary placement
7 is necessary; or movement of the child toward the most
8 permanent living arrangement and permanent legal status.

9 When determining reasonable efforts to be made with
10 respect to a child, as described in this subsection, and in
11 making such reasonable efforts, the child's health and safety
12 shall be the paramount concern.

13 When a child is placed in foster care, the Department
14 shall ensure and document that reasonable efforts were made to
15 prevent or eliminate the need to remove the child from the
16 child's home. The Department must make reasonable efforts to
17 reunify the family when temporary placement of the child
18 occurs unless otherwise required, pursuant to the Juvenile
19 Court Act of 1987. At any time after the dispositional hearing
20 where the Department believes that further reunification
21 services would be ineffective, it may request a finding from
22 the court that reasonable efforts are no longer appropriate.
23 The Department is not required to provide further
24 reunification services after such a finding.

25 A decision to place a child in substitute care shall be
26 made with considerations of the child's health, safety, and

1 best interests. At the time of placement, consideration should
2 also be given so that if reunification fails or is delayed, the
3 placement made is the best available placement to provide
4 permanency for the child.

5 The Department shall adopt rules addressing concurrent
6 planning for reunification and permanency. The Department
7 shall consider the following factors when determining
8 appropriateness of concurrent planning:

9 (1) the likelihood of prompt reunification;

10 (2) the past history of the family;

11 (3) the barriers to reunification being addressed by
12 the family;

13 (4) the level of cooperation of the family;

14 (5) the foster parents' willingness to work with the
15 family to reunite;

16 (6) the willingness and ability of the foster family
17 to provide an adoptive home or long-term placement;

18 (7) the age of the child;

19 (8) placement of siblings.

20 (m) The Department may assume temporary custody of any
21 child if:

22 (1) it has received a written consent to such
23 temporary custody signed by the parents of the child or by
24 the parent having custody of the child if the parents are
25 not living together or by the guardian or custodian of the
26 child if the child is not in the custody of either parent,

1 or

2 (2) the child is found in the State and neither a
3 parent, guardian nor custodian of the child can be
4 located.

5 If the child is found in the child's residence without a
6 parent, guardian, custodian, or responsible caretaker, the
7 Department may, instead of removing the child and assuming
8 temporary custody, place an authorized representative of the
9 Department in that residence until such time as a parent,
10 guardian, or custodian enters the home and expresses a
11 willingness and apparent ability to ensure the child's health
12 and safety and resume permanent charge of the child, or until a
13 relative enters the home and is willing and able to ensure the
14 child's health and safety and assume charge of the child until
15 a parent, guardian, or custodian enters the home and expresses
16 such willingness and ability to ensure the child's safety and
17 resume permanent charge. After a caretaker has remained in the
18 home for a period not to exceed 12 hours, the Department must
19 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
20 5-415 of the Juvenile Court Act of 1987.

21 The Department shall have the authority, responsibilities
22 and duties that a legal custodian of the child would have
23 pursuant to subsection (9) of Section 1-3 of the Juvenile
24 Court Act of 1987. Whenever a child is taken into temporary
25 custody pursuant to an investigation under the Abused and
26 Neglected Child Reporting Act, or pursuant to a referral and

1 acceptance under the Juvenile Court Act of 1987 of a minor in
2 limited custody, the Department, during the period of
3 temporary custody and before the child is brought before a
4 judicial officer as required by Section 2-9, 3-11, 4-8, or
5 5-415 of the Juvenile Court Act of 1987, shall have the
6 authority, responsibilities and duties that a legal custodian
7 of the child would have under subsection (9) of Section 1-3 of
8 the Juvenile Court Act of 1987.

9 The Department shall ensure that any child taken into
10 custody is scheduled for an appointment for a medical
11 examination.

12 A parent, guardian, or custodian of a child in the
13 temporary custody of the Department who would have custody of
14 the child if the child were not in the temporary custody of the
15 Department may deliver to the Department a signed request that
16 the Department surrender the temporary custody of the child.
17 The Department may retain temporary custody of the child for
18 10 days after the receipt of the request, during which period
19 the Department may cause to be filed a petition pursuant to the
20 Juvenile Court Act of 1987. If a petition is so filed, the
21 Department shall retain temporary custody of the child until
22 the court orders otherwise. If a petition is not filed within
23 the 10-day period, the child shall be surrendered to the
24 custody of the requesting parent, guardian, or custodian not
25 later than the expiration of the 10-day period, at which time
26 the authority and duties of the Department with respect to the

1 temporary custody of the child shall terminate.

2 (m-1) The Department may place children under 18 years of
3 age in a secure child care facility licensed by the Department
4 that cares for children who are in need of secure living
5 arrangements for their health, safety, and well-being after a
6 determination is made by the facility director and the
7 Director or the Director's designate prior to admission to the
8 facility subject to Section 2-27.1 of the Juvenile Court Act
9 of 1987. This subsection (m-1) does not apply to a child who is
10 subject to placement in a correctional facility operated
11 pursuant to Section 3-15-2 of the Unified Code of Corrections,
12 unless the child is a youth in care who was placed in the care
13 of the Department before being subject to placement in a
14 correctional facility and a court of competent jurisdiction
15 has ordered placement of the child in a secure care facility.

16 (n) The Department may place children under 18 years of
17 age in licensed child care facilities when in the opinion of
18 the Department, appropriate services aimed at family
19 preservation have been unsuccessful and cannot ensure the
20 child's health and safety or are unavailable and such
21 placement would be for their best interest. Payment for board,
22 clothing, care, training and supervision of any child placed
23 in a licensed child care facility may be made by the
24 Department, by the parents or guardians of the estates of
25 those children, or by both the Department and the parents or
26 guardians, except that no payments shall be made by the

1 Department for any child placed in a licensed child care
2 facility for board, clothing, care, training, and supervision
3 of such a child that exceed the average per capita cost of
4 maintaining and of caring for a child in institutions for
5 dependent or neglected children operated by the Department.
6 However, such restriction on payments does not apply in cases
7 where children require specialized care and treatment for
8 problems of severe emotional disturbance, physical disability,
9 social adjustment, or any combination thereof and suitable
10 facilities for the placement of such children are not
11 available at payment rates within the limitations set forth in
12 this Section. All reimbursements for services delivered shall
13 be absolutely inalienable by assignment, sale, attachment, or
14 garnishment or otherwise.

15 (n-1) The Department shall provide or authorize child
16 welfare services, aimed at assisting minors to achieve
17 sustainable self-sufficiency as independent adults, for any
18 minor eligible for the reinstatement of wardship pursuant to
19 subsection (2) of Section 2-33 of the Juvenile Court Act of
20 1987, whether or not such reinstatement is sought or allowed,
21 provided that the minor consents to such services and has not
22 yet attained the age of 23 ~~21~~. The Department shall have
23 responsibility for the development and delivery of services
24 under this Section. An eligible youth may access services
25 under this Section through the Department of Children and
26 Family Services or by referral from the Department of Human

1 Services. Youth participating in services under this Section
2 shall cooperate with the assigned case manager in developing
3 an agreement identifying the services to be provided and how
4 the youth will increase skills to achieve self-sufficiency. A
5 homeless shelter is not considered appropriate housing for any
6 youth receiving child welfare services under this Section. The
7 Department shall continue child welfare services under this
8 Section to any eligible minor until the minor becomes 23 ~~21~~
9 years of age, no longer consents to participate, or achieves
10 self-sufficiency as identified in the minor's service plan.
11 The Department of Children and Family Services shall create
12 clear, readable notice of the rights of former foster youth to
13 child welfare services under this Section and how such
14 services may be obtained. The Department of Children and
15 Family Services and the Department of Human Services shall
16 disseminate this information statewide. The Department shall
17 adopt regulations describing services intended to assist
18 minors in achieving sustainable self-sufficiency as
19 independent adults.

20 (o) The Department shall establish an administrative
21 review and appeal process for children and families who
22 request or receive child welfare services from the Department.
23 Youth in care who are placed by private child welfare
24 agencies, and foster families with whom those youth are
25 placed, shall be afforded the same procedural and appeal
26 rights as children and families in the case of placement by the

1 Department, including the right to an initial review of a
2 private agency decision by that agency. The Department shall
3 ensure that any private child welfare agency, which accepts
4 youth in care for placement, affords those rights to children
5 and foster families. The Department shall accept for
6 administrative review and an appeal hearing a complaint made
7 by (i) a child or foster family concerning a decision
8 following an initial review by a private child welfare agency
9 or (ii) a prospective adoptive parent who alleges a violation
10 of subsection (j-5) of this Section. An appeal of a decision
11 concerning a change in the placement of a child shall be
12 conducted in an expedited manner. A court determination that a
13 current foster home placement is necessary and appropriate
14 under Section 2-28 of the Juvenile Court Act of 1987 does not
15 constitute a judicial determination on the merits of an
16 administrative appeal, filed by a former foster parent,
17 involving a change of placement decision.

18 (p) (Blank).

19 (q) The Department may receive and use, in their entirety,
20 for the benefit of children any gift, donation, or bequest of
21 money or other property which is received on behalf of such
22 children, or any financial benefits to which such children are
23 or may become entitled while under the jurisdiction or care of
24 the Department, except that the benefits described in Section
25 5.46 must be used and conserved consistent with the provisions
26 under Section 5.46.

1 The Department shall set up and administer no-cost,
2 interest-bearing accounts in appropriate financial
3 institutions for children for whom the Department is legally
4 responsible and who have been determined eligible for
5 Veterans' Benefits, Social Security benefits, assistance
6 allotments from the armed forces, court ordered payments,
7 parental voluntary payments, Supplemental Security Income,
8 Railroad Retirement payments, Black Lung benefits, or other
9 miscellaneous payments. Interest earned by each account shall
10 be credited to the account, unless disbursed in accordance
11 with this subsection.

12 In disbursing funds from children's accounts, the
13 Department shall:

14 (1) Establish standards in accordance with State and
15 federal laws for disbursing money from children's
16 accounts. In all circumstances, the Department's
17 Guardianship Administrator or the Guardianship
18 Administrator's designee must approve disbursements from
19 children's accounts. The Department shall be responsible
20 for keeping complete records of all disbursements for each
21 account for any purpose.

22 (2) Calculate on a monthly basis the amounts paid from
23 State funds for the child's board and care, medical care
24 not covered under Medicaid, and social services; and
25 utilize funds from the child's account, as covered by
26 regulation, to reimburse those costs. Monthly,

1 disbursements from all children's accounts, up to 1/12 of
2 \$13,000,000, shall be deposited by the Department into the
3 General Revenue Fund and the balance over 1/12 of
4 \$13,000,000 into the DCFS Children's Services Fund.

5 (3) Maintain any balance remaining after reimbursing
6 for the child's costs of care, as specified in item (2).
7 The balance shall accumulate in accordance with relevant
8 State and federal laws and shall be disbursed to the child
9 or the child's guardian, or to the issuing agency.

10 (r) The Department shall promulgate regulations
11 encouraging all adoption agencies to voluntarily forward to
12 the Department or its agent names and addresses of all persons
13 who have applied for and have been approved for adoption of a
14 hard-to-place child or child with a disability and the names
15 of such children who have not been placed for adoption. A list
16 of such names and addresses shall be maintained by the
17 Department or its agent, and coded lists which maintain the
18 confidentiality of the person seeking to adopt the child and
19 of the child shall be made available, without charge, to every
20 adoption agency in the State to assist the agencies in placing
21 such children for adoption. The Department may delegate to an
22 agent its duty to maintain and make available such lists. The
23 Department shall ensure that such agent maintains the
24 confidentiality of the person seeking to adopt the child and
25 of the child.

26 (s) The Department of Children and Family Services may

1 establish and implement a program to reimburse Department and
2 private child welfare agency foster parents licensed by the
3 Department of Children and Family Services for damages
4 sustained by the foster parents as a result of the malicious or
5 negligent acts of foster children, as well as providing third
6 party coverage for such foster parents with regard to actions
7 of foster children to other individuals. Such coverage will be
8 secondary to the foster parent liability insurance policy, if
9 applicable. The program shall be funded through appropriations
10 from the General Revenue Fund, specifically designated for
11 such purposes.

12 (t) The Department shall perform home studies and
13 investigations and shall exercise supervision over visitation
14 as ordered by a court pursuant to the Illinois Marriage and
15 Dissolution of Marriage Act or the Adoption Act only if:

16 (1) an order entered by an Illinois court specifically
17 directs the Department to perform such services; and

18 (2) the court has ordered one or both of the parties to
19 the proceeding to reimburse the Department for its
20 reasonable costs for providing such services in accordance
21 with Department rules, or has determined that neither
22 party is financially able to pay.

23 The Department shall provide written notification to the
24 court of the specific arrangements for supervised visitation
25 and projected monthly costs within 60 days of the court order.
26 The Department shall send to the court information related to

1 the costs incurred except in cases where the court has
2 determined the parties are financially unable to pay. The
3 court may order additional periodic reports as appropriate.

4 (u) In addition to other information that must be
5 provided, whenever the Department places a child with a
6 prospective adoptive parent or parents, in a licensed foster
7 home, group home, or child care institution, or in a relative
8 home, the Department shall provide to the prospective adoptive
9 parent or parents or other caretaker:

10 (1) available detailed information concerning the
11 child's educational and health history, copies of
12 immunization records (including insurance and medical card
13 information), a history of the child's previous
14 placements, if any, and reasons for placement changes
15 excluding any information that identifies or reveals the
16 location of any previous caretaker;

17 (2) a copy of the child's portion of the client
18 service plan, including any visitation arrangement, and
19 all amendments or revisions to it as related to the child;
20 and

21 (3) information containing details of the child's
22 individualized educational plan when the child is
23 receiving special education services.

24 The caretaker shall be informed of any known social or
25 behavioral information (including, but not limited to,
26 criminal background, fire setting, perpetuation of sexual

1 abuse, destructive behavior, and substance abuse) necessary to
2 care for and safeguard the children to be placed or currently
3 in the home. The Department may prepare a written summary of
4 the information required by this paragraph, which may be
5 provided to the foster or prospective adoptive parent in
6 advance of a placement. The foster or prospective adoptive
7 parent may review the supporting documents in the child's file
8 in the presence of casework staff. In the case of an emergency
9 placement, casework staff shall at least provide known
10 information verbally, if necessary, and must subsequently
11 provide the information in writing as required by this
12 subsection.

13 The information described in this subsection shall be
14 provided in writing. In the case of emergency placements when
15 time does not allow prior review, preparation, and collection
16 of written information, the Department shall provide such
17 information as it becomes available. Within 10 business days
18 after placement, the Department shall obtain from the
19 prospective adoptive parent or parents or other caretaker a
20 signed verification of receipt of the information provided.
21 Within 10 business days after placement, the Department shall
22 provide to the child's guardian ad litem a copy of the
23 information provided to the prospective adoptive parent or
24 parents or other caretaker. The information provided to the
25 prospective adoptive parent or parents or other caretaker
26 shall be reviewed and approved regarding accuracy at the

1 supervisory level.

2 (u-5) Effective July 1, 1995, only foster care placements
3 licensed as foster family homes pursuant to the Child Care Act
4 of 1969 shall be eligible to receive foster care payments from
5 the Department. Relative caregivers who, as of July 1, 1995,
6 were approved pursuant to approved relative placement rules
7 previously promulgated by the Department at 89 Ill. Adm. Code
8 335 and had submitted an application for licensure as a foster
9 family home may continue to receive foster care payments only
10 until the Department determines that they may be licensed as a
11 foster family home or that their application for licensure is
12 denied or until September 30, 1995, whichever occurs first.

13 (v) The Department shall access criminal history record
14 information as defined in the Illinois Uniform Conviction
15 Information Act and information maintained in the adjudicatory
16 and dispositional record system as defined in Section 2605-355
17 of the Illinois State Police Law if the Department determines
18 the information is necessary to perform its duties under the
19 Abused and Neglected Child Reporting Act, the Child Care Act
20 of 1969, and the Children and Family Services Act. The
21 Department shall provide for interactive computerized
22 communication and processing equipment that permits direct
23 on-line communication with the Illinois State Police's central
24 criminal history data repository. The Department shall comply
25 with all certification requirements and provide certified
26 operators who have been trained by personnel from the Illinois

1 State Police. In addition, one Office of the Inspector General
2 investigator shall have training in the use of the criminal
3 history information access system and have access to the
4 terminal. The Department of Children and Family Services and
5 its employees shall abide by rules and regulations established
6 by the Illinois State Police relating to the access and
7 dissemination of this information.

8 (v-1) Prior to final approval for placement of a child,
9 the Department shall conduct a criminal records background
10 check of the prospective foster or adoptive parent, including
11 fingerprint-based checks of national crime information
12 databases. Final approval for placement shall not be granted
13 if the record check reveals a felony conviction for child
14 abuse or neglect, for spousal abuse, for a crime against
15 children, or for a crime involving violence, including rape,
16 sexual assault, or homicide, but not including other physical
17 assault or battery, or if there is a felony conviction for
18 physical assault, battery, or a drug-related offense committed
19 within the past 5 years.

20 (v-2) Prior to final approval for placement of a child,
21 the Department shall check its child abuse and neglect
22 registry for information concerning prospective foster and
23 adoptive parents, and any adult living in the home. If any
24 prospective foster or adoptive parent or other adult living in
25 the home has resided in another state in the preceding 5 years,
26 the Department shall request a check of that other state's

1 child abuse and neglect registry.

2 (w) Within 120 days of August 20, 1995 (the effective date
3 of Public Act 89-392), the Department shall prepare and submit
4 to the Governor and the General Assembly, a written plan for
5 the development of in-state licensed secure child care
6 facilities that care for children who are in need of secure
7 living arrangements for their health, safety, and well-being.
8 For purposes of this subsection, secure care facility shall
9 mean a facility that is designed and operated to ensure that
10 all entrances and exits from the facility, a building or a
11 distinct part of the building, are under the exclusive control
12 of the staff of the facility, whether or not the child has the
13 freedom of movement within the perimeter of the facility,
14 building, or distinct part of the building. The plan shall
15 include descriptions of the types of facilities that are
16 needed in Illinois; the cost of developing these secure care
17 facilities; the estimated number of placements; the potential
18 cost savings resulting from the movement of children currently
19 out-of-state who are projected to be returned to Illinois; the
20 necessary geographic distribution of these facilities in
21 Illinois; and a proposed timetable for development of such
22 facilities.

23 (x) The Department shall conduct annual credit history
24 checks to determine the financial history of children placed
25 under its guardianship pursuant to the Juvenile Court Act of
26 1987. The Department shall conduct such credit checks starting

1 when a youth in care turns 12 years old and each year
2 thereafter for the duration of the guardianship as terminated
3 pursuant to the Juvenile Court Act of 1987. The Department
4 shall determine if financial exploitation of the child's
5 personal information has occurred. If financial exploitation
6 appears to have taken place or is presently ongoing, the
7 Department shall notify the proper law enforcement agency, the
8 proper State's Attorney, or the Attorney General.

9 (y) Beginning on July 22, 2010 (the effective date of
10 Public Act 96-1189), a child with a disability who receives
11 residential and educational services from the Department shall
12 be eligible to receive transition services in accordance with
13 Article 14 of the School Code from the age of 14.5 through age
14 21, inclusive, notwithstanding the child's residential
15 services arrangement. For purposes of this subsection, "child
16 with a disability" means a child with a disability as defined
17 by the federal Individuals with Disabilities Education
18 Improvement Act of 2004.

19 (z) The Department shall access criminal history record
20 information as defined as "background information" in this
21 subsection and criminal history record information as defined
22 in the Illinois Uniform Conviction Information Act for each
23 Department employee or Department applicant. Each Department
24 employee or Department applicant shall submit the employee's
25 or applicant's fingerprints to the Illinois State Police in
26 the form and manner prescribed by the Illinois State Police.

1 These fingerprints shall be checked against the fingerprint
2 records now and hereafter filed in the Illinois State Police
3 and the Federal Bureau of Investigation criminal history
4 records databases. The Illinois State Police shall charge a
5 fee for conducting the criminal history record check, which
6 shall be deposited into the State Police Services Fund and
7 shall not exceed the actual cost of the record check. The
8 Illinois State Police shall furnish, pursuant to positive
9 identification, all Illinois conviction information to the
10 Department of Children and Family Services.

11 For purposes of this subsection:

12 "Background information" means all of the following:

13 (i) Upon the request of the Department of Children and
14 Family Services, conviction information obtained from the
15 Illinois State Police as a result of a fingerprint-based
16 criminal history records check of the Illinois criminal
17 history records database and the Federal Bureau of
18 Investigation criminal history records database concerning
19 a Department employee or Department applicant.

20 (ii) Information obtained by the Department of
21 Children and Family Services after performing a check of
22 the Illinois State Police's Sex Offender Database, as
23 authorized by Section 120 of the Sex Offender Community
24 Notification Law, concerning a Department employee or
25 Department applicant.

26 (iii) Information obtained by the Department of

1 Children and Family Services after performing a check of
2 the Child Abuse and Neglect Tracking System (CANTS)
3 operated and maintained by the Department.

4 "Department employee" means a full-time or temporary
5 employee coded or certified within the State of Illinois
6 Personnel System.

7 "Department applicant" means an individual who has
8 conditional Department full-time or part-time work, a
9 contractor, an individual used to replace or supplement staff,
10 an academic intern, a volunteer in Department offices or on
11 Department contracts, a work-study student, an individual or
12 entity licensed by the Department, or an unlicensed service
13 provider who works as a condition of a contract or an agreement
14 and whose work may bring the unlicensed service provider into
15 contact with Department clients or client records.

16 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
17 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff.
18 1-1-24; 103-546, eff. 8-11-23; revised 9-25-23.)

19 (20 ILCS 505/5.06 new)

20 Sec. 5.06. Multidisciplinary child protection
21 investigation teams for sex trafficking cases.

22 (a) (1) The Department shall coordinate the services of
23 multidisciplinary child protection investigation teams to
24 respond to child sexual abuse or sex trafficking reports made
25 to the Department. At least one multidisciplinary child

1 protection investigation team shall be organized in each
2 county. Any county or counties of the State, any municipality
3 or municipalities of the State, or any combination thereof,
4 may, by intergovernmental agreement, establish a single
5 multidisciplinary child protection investigation team to
6 investigate child sexual abuse and sex trafficking reports
7 involving children located within the geographical
8 jurisdiction of the parties to the interagency agreement. The
9 State's Attorney of each county shall, by January 15 of each
10 year, report to the General Assembly on the status of the team
11 in the State's Attorney's county as required by this Section,
12 and the progress of the multidisciplinary child protection
13 investigation team that has been organized in the State's
14 Attorney's county. The Department shall, with the cooperation
15 of all statutorily authorized members of the multidisciplinary
16 child protection investigation team, establish a procedure and
17 format for data collection. The procedure and format,
18 including an implementation plan with timelines, shall be
19 cooperatively developed and presented to the General Assembly
20 on or before January 15, 2025. The procedure and format
21 developed shall include at a minimum the following
22 information:

23 (A) the number of reports received for investigation
24 involving an allegation of the sexual abuse or trafficking
25 of minors;

26 (B) the number of investigations initiated;

1 (C) the number of final dispositions of cases obtained
2 in the current reporting year by type of disposition as
3 follows:

4 (i) unsubstantiated, closed, or no service;

5 (ii) unsubstantiated or referred for non-custodial
6 support services;

7 (iii) substantiated, closed, or no service;

8 (iv) substantiated, service provided, or no
9 prosecution;

10 (v) substantiated, service provided, prosecution,
11 or acquittal; or

12 (vi) substantiated, service provided, prosecution,
13 or conviction.

14 (D) Age, race, gender, and relationship to the victim
15 of perpetrators identified in cases that are included in
16 items (iii) through (vi) of subparagraph (C) of paragraph
17 (1); and

18 (E) The type and amount of community-based support
19 received by the multidisciplinary child protection
20 investigation teams through linkages with other local
21 agencies and organizations and through monetary or
22 in-kind, or both, donations.

23 Such data shall be reported by January 15 of each year to
24 the General Assembly, along with a progress report on the
25 teams and any recommendations for enhancement of the child
26 sexual abuse plan and program.

1 (2) Each team shall be composed:

2 (A) one person from the Department;

3 (B) one representative from the State's Attorney's
4 office;

5 (C) one juvenile court officer or investigator from a
6 court of competent jurisdiction;

7 (D) one non-governmental agency specialized in
8 providing services to the minors who are victims of
9 commercial sexual exploitation;

10 (E) one properly trained law enforcement officer with
11 countywide jurisdiction from the county where the child
12 resides or where the alleged offense occurred.

13 The team may also include a representative from one of the
14 mental health disciplines, a representative trained in child
15 abuse from one of the medical disciplines, and, for cases
16 involving an allegation that a child is a victim of a human
17 trafficking offense, a representative from one
18 non-governmental agency specialized in combatting the
19 commercial sexual exploitation of minors. It is in the best
20 interest of the child that, whenever possible, an initial
21 investigation shall not be commenced unless all 4 disciplines
22 are represented. An initial investigation may, however, be
23 commenced if at least 2 of the team members are present at the
24 initial investigation. In those counties in which a child
25 advocacy center is established in accordance with the
26 Children's Advocacy Center Act, child advocacy center

1 directors, or their designees, shall be members of the teams
2 for the purposes of the provision of services and functions
3 established under the Children's Advocacy Center Act or
4 delegated pursuant to that Act. In such event, child advocacy
5 center directors, or their designees, may access and generate
6 all necessary information, which shall retain its confidential
7 status, consistent with any applicable State or federal law.

8 (3) It is the intent of the General Assembly that the child
9 protective investigations be conducted by the team members in
10 a manner that not only protects the child but that also
11 preserves any evidence for future criminal prosecutions. It is
12 essential, therefore, that all phases of the child protective
13 investigation be appropriately conducted and that further
14 investigations, as appropriate, be properly conducted and
15 coordinated.

16 (b) (1) The Department shall convene the appropriate team
17 when a report of child sexual abuse or sex trafficking has been
18 received. Nothing in this Section shall be construed to remove
19 or reduce the duty and responsibility of any person to report
20 all suspected or actual cases of child sexual abuse or sex
21 trafficking. The role of the teams shall be to conduct child
22 protective investigations of reported child sexual abuse or
23 sex trafficking and to support and provide services to
24 sexually abused or trafficked children upon referral as deemed
25 by the teams to be necessary and appropriate for such
26 children.

1 (2) For each child sexual abuse report it receives, the
2 Department shall immediately notify the multidisciplinary
3 child protection investigation team, which shall commence an
4 on-site child protective investigation. The team shall:

5 (A) determine the composition of the family or
6 household, including the name, address, age, sex, and race
7 of each child named in the report; any siblings or other
8 children in the same household or in the care of the same
9 adults; the parents or other persons responsible for the
10 child's welfare; and any other adults in the same
11 household;

12 (B) determine whether there is any indication that any
13 child in the family or household is sexually abused,
14 including a determination of harm or threatened harm to
15 each child; the nature and extent of present or prior
16 injuries, or abuse, and any evidence thereof; and a
17 determination as to the person or persons apparently
18 responsible for the abuse;

19 (C) determine the immediate and long-term risk to each
20 child if the child remains in the existing home
21 environment;

22 (D) determine the protective, treatment, and
23 ameliorative services necessary to safeguard and ensure
24 the child's well-being and development and, if possible,
25 to preserve and stabilize family life; and

26 (E) determine the specialized, non-punitive services

1 necessary to support the child in cases where there is an
2 allegation that the child may be a victim of a sex
3 trafficking offense.

4 The team shall seek to interview the child in a neutral
5 setting, other than where the alleged abuse occurred, whenever
6 possible.

7 (3) Immediately upon receipt of a report alleging, or
8 immediately upon learning during the course of an
9 investigation, that:

10 (A) child sexual abuse has occurred; or

11 (B) an observable injury or medically diagnosed
12 internal injury occurred as a result of the sexual abuse

13 the Department shall orally notify the team, the
14 appropriate State's Attorney and the appropriate law
15 enforcement agency whose criminal investigations shall be
16 coordinated, whenever possible, with the multidisciplinary
17 child protection investigation team investigation. In all
18 cases, the team and the Department shall make a full written
19 report to the State's Attorney within 3 days of the oral
20 report. If, as a result of an investigation, there is cause to
21 believe a violation of Subdivision 10 of Article 11 of the
22 Criminal Code of 2012 has occurred, an appropriate report
23 shall be filed by the State's Attorney requesting an
24 investigation by the Illinois State Police. If independent
25 criminal investigations are made, interviews with the
26 victimized child shall be kept to an absolute minimum and,

1 whenever possible, reference to the videotape or tapes made by
2 the multidisciplinary child protection investigation teams
3 should be utilized.

4 (4) In addition to the requirements of this Section, the
5 provisions of Section 7.4 of the Abused and Neglected
6 Reporting Act shall apply to any investigation conducted in
7 accordance with this Section.

8 (5) As a result of its investigation, the team may
9 recommend that criminal charges be filed against the alleged
10 offender. Any interested person who has information regarding
11 the offenses described in this subsection (b) may forward a
12 statement to the State's Attorney as to whether prosecution is
13 warranted and appropriate. Within 15 days of the completion of
14 the State's Attorney's investigation, the State's Attorney
15 shall advise the Department and the team whether or not
16 prosecution is justified and appropriate in the State's
17 Attorney's opinion in view of the circumstances of the
18 specific case.

19 (c) (1) The specialized diagnostic assessment, evaluation,
20 coordination, consultation, and other supportive services that
21 the team shall be capable of providing, to the extent funds are
22 specifically appropriated therefor, or by referral shall be
23 capable of obtaining for the protection of the child, include,
24 but are not limited to, the following:

25 (A) Telephone consultation services in emergencies and
26 in other situations.

1 (B) Medical evaluation related to the sexual abuse and
2 sex trafficking.

3 (C) Such psychological and psychiatric diagnosis and
4 evaluation services for the child, siblings, parent or
5 parents, guardian or guardians, or other care givers, or
6 any other individual involved in a child sexual abuse or
7 sex trafficking case, as a multidisciplinary child
8 protection investigation team may determine to be needed.

9 (D) Short-term psychological treatment. It is the
10 intent of the General Assembly that the Department provide
11 or refer a child whose case has been validated by the
12 Department, and the child's family, for short-term
13 psychological treatment before the Department may close
14 its case. Such short-term treatment shall be limited to no
15 more than 6 months' duration after treatment is initiated,
16 except that the Director may authorize such treatment for
17 individual children beyond this limitation if the Director
18 deems it appropriate.

19 (E) Expert medical, psychological, and related
20 professional testimony in court cases.

21 (F) Case staffings to develop, implement, and monitor
22 treatment plans for a child whose case has been validated
23 by the Department. In all such case staffings,
24 consultations, or staff activities involving a child, at
25 least one member of the team involved in the initial
26 investigation shall continue to monitor the progress and

1 status of the child whenever possible and within the same
2 geographic area.

3 (G) Case service coordination and assistance,
4 including the location of services available from other
5 public and private agencies in the community.

6 (2) In all instances where a multidisciplinary child
7 protection investigation team is providing or has obtained by
8 referral certain services to sexually abused and trafficked
9 children, other offices and units of the Department shall
10 avoid duplicating the provision of those services.

11 (20 ILCS 505/5.07 new)

12 Sec. 5.07. Mandatory annual training on human trafficking.
13 The Department shall work with a nonprofit charitable
14 organization that focuses on human trafficking advocacy and
15 education to provide mandatory annual training to child
16 welfare agencies licensed by the Department in the
17 identification, intervention, prevention, and treatment of
18 human trafficking victims, and in the proper action that
19 should be taken when dealing with a known or suspected victim
20 of human trafficking. The training must also inform child
21 welfare agencies of the resources and agencies available to
22 provide help and services for victims of human trafficking.
23 The training selected by the Department must be submitted to,
24 and approved by, the Illinois State Police.

25 As used in this Section, "human trafficking" has the

1 meaning ascribed to that term in Section 5 of the Lodging
2 Services Human Trafficking Recognition Training Act.

3 Section 15. The Illinois State Police Law is amended by
4 adding Section 2605-51a as follows:

5 (20 ILCS 2605/2605-51a new)

6 Sec. 2605-51a. Human trafficking training for State
7 agencies.

8 (a) The Illinois State Police shall develop and deliver a
9 course of instruction designed for Departments, agencies, or
10 associations that are likely to come into contact with human
11 trafficking and human trafficking victims during the course of
12 delivering services. Departments, agencies, or associations
13 included in this course of instruction, include, but are not
14 limited to, the Department of Human Services, the Department
15 of Children and Family Services, child welfare agencies
16 licensed by the Department of children and family services,
17 the Department of Public Health, the State Board of Education,
18 and any other State agencies or local governmental entities
19 that are likely to come into contact with human trafficking
20 and human trafficking victims during the performance of their
21 duties. The course or courses of instruction and the
22 guidelines shall emphasize:

23 (A) the dynamics and manifestations of human
24 trafficking;

- 1 (B) identifying and communicating with victims;
2 (C) providing documentation that satisfies the peace
3 officers standards and training (POST) commission
4 requirements;
5 (D) collaboration with federal law enforcement
6 officials;
7 (E) appropriate investigative techniques for the
8 particular victim or victim type;
9 (F) the availability of civil and immigration remedies
10 and community resources; and
11 (G) protection of the victim.

12 (b) In developing the course of instruction, the Illinois
13 State Police shall consult with its Trafficking Enforcement
14 Bureau as well as with human trafficking experts with
15 experience in the delivery of direct services to victims of
16 human trafficking. Instruction may be composed of live
17 instruction, telecommunication, video or other medium, or any
18 combination of methods. Where appropriate, the course of
19 instruction shall include presentations by human trafficking
20 experts.

21 (c) Furnishing personnel and appropriations for the
22 training course is the sole responsibility of the Illinois
23 State Police. Departments, agencies, or associations receiving
24 instruction in accordance with this Section shall be provided
25 the training at no cost to the Department, agency, or
26 association.

1 Section 20. The State Finance Act is amended by changing
2 Section 5 and by adding Section 5.1015 as follows:

3 (30 ILCS 105/5) (from Ch. 127, par. 141)

4 Sec. 5. Special funds.

5 (a) There are special funds in the State Treasury
6 designated as specified in the Sections which succeed this
7 Section 5 and precede Section 6.

8 (b) Except as provided in the Illinois Vehicle Hijacking
9 and Motor Vehicle Theft Prevention and Insurance Verification
10 Act, when any special fund in the State Treasury is
11 discontinued by an Act of the General Assembly, any balance
12 remaining therein on the effective date of such Act shall be
13 transferred to the General Revenue Fund, or to such other fund
14 as such Act shall provide. Warrants outstanding against such
15 discontinued fund at the time of the transfer of any such
16 balance therein shall be paid out of the fund to which the
17 transfer was made.

18 (c) When any special fund in the State Treasury has been
19 inactive for 18 months or longer, the Comptroller may
20 terminate the fund, and the balance remaining in such fund
21 shall be transferred by the Comptroller to the General Revenue
22 Fund. When a special fund has been terminated by the
23 Comptroller as provided in this Section, the General Assembly
24 shall repeal or amend all Sections of the statutes creating or

1 otherwise referring to that fund.

2 The Comptroller shall be allowed the discretion to
3 maintain or dissolve any federal trust fund which has been
4 inactive for 18 months or longer.

5 (d) (Blank).

6 (e) (Blank).

7 (f) The provisions of subsection (b) and (c) do not apply
8 to the Specialized Services for Survivors of Human Trafficking
9 Fund.

10 (Source: P.A. 102-904, eff. 1-1-23; 103-266, eff. 1-1-24.)

11 Section 25. The Child Care Act of 1969 is amended by
12 changing Section 4 and by adding Sections 2.21a and 3.7 as
13 follows:

14 (225 ILCS 10/2.21a new)

15 Sec. 2.21a. Residential facilities for victims of sex
16 trafficking. "Residential facilities for victims of sex
17 trafficking" means a housing facility that provides
18 specialized comprehensive treatment and support services to
19 children and youth under the age of 18 who are identified as
20 victims of sex trafficking. Such treatment and support
21 services include, but are not limited to, medical care, mental
22 health and substance abuse care, nutritional counseling, safe
23 housing, job training, transportation, and other basic human
24 needs.

1 (225 ILCS 10/3.7 new)

2 Sec. 3.7. Licenses for residential facilities for victims
3 of sex trafficking. The Department shall develop an
4 appropriate licensing and monitoring system that recognizes
5 the unique population and treatment of children and youth who
6 are identified as victims of sex trafficking. Residential
7 facilities for victims of sex trafficking that are licensed by
8 the Department shall not be utilized for a child or youth who
9 is a youth in care as defined in Section 4d of the Children and
10 Family Services Act.

11 (225 ILCS 10/4) (from Ch. 23, par. 2214)

12 Sec. 4. License requirement; application; notice.

13 (a) Any person, group of persons or corporation who or
14 which receives children or arranges for care or placement of
15 one or more children unrelated to the operator must apply for a
16 license to operate one of the types of facilities defined in
17 Sections 2.05 through 2.19 and in Sections 2.21a and ~~Section~~
18 2.22 of this Act. Any relative, as defined in Section 2.17 of
19 this Act, who receives a child or children for placement by the
20 Department on a full-time basis may apply for a license to
21 operate a foster family home as defined in Section 2.17 of this
22 Act.

23 (a-5) Any agency, person, group of persons, association,
24 organization, corporation, institution, center, or group

1 providing adoption services must be licensed by the Department
2 as a child welfare agency as defined in Section 2.08 of this
3 Act. "Providing adoption services" as used in this Act,
4 includes facilitating or engaging in adoption services.

5 (b) Application for a license to operate a child care
6 facility must be made to the Department in the manner and on
7 forms prescribed by it. An application to operate a foster
8 family home shall include, at a minimum: a completed written
9 form; written authorization by the applicant and all adult
10 members of the applicant's household to conduct a criminal
11 background investigation; medical evidence in the form of a
12 medical report, on forms prescribed by the Department, that
13 the applicant and all members of the household are free from
14 communicable diseases or physical and mental conditions that
15 affect their ability to provide care for the child or
16 children; the names and addresses of at least 3 persons not
17 related to the applicant who can attest to the applicant's
18 moral character; the name and address of at least one relative
19 who can attest to the applicant's capability to care for the
20 child or children; and fingerprints submitted by the applicant
21 and all adult members of the applicant's household.

22 (b-5) Prior to submitting an application for a foster
23 family home license, a quality of care concerns applicant as
24 defined in Section 2.22a of this Act must submit a preliminary
25 application to the Department in the manner and on forms
26 prescribed by it. The Department shall explain to the quality

1 of care concerns applicant the grounds for requiring a
2 preliminary application. The preliminary application shall
3 include a list of (i) all children placed in the home by the
4 Department who were removed by the Department for reasons
5 other than returning to a parent and the circumstances under
6 which they were removed and (ii) all children placed by the
7 Department who were subsequently adopted by or placed in the
8 private guardianship of the quality of care concerns applicant
9 who are currently under 18 and who no longer reside in the home
10 and the reasons why they no longer reside in the home. The
11 preliminary application shall also include, if the quality of
12 care concerns applicant chooses to submit, (1) a response to
13 the quality of care concerns, including any reason the
14 concerns are invalid, have been addressed or ameliorated, or
15 no longer apply and (2) affirmative documentation
16 demonstrating that the quality of care concerns applicant's
17 home does not pose a risk to children and that the family will
18 be able to meet the physical and emotional needs of children.
19 The Department shall verify the information in the preliminary
20 application and review (i) information regarding any prior
21 licensing complaints, (ii) information regarding any prior
22 child abuse or neglect investigations, (iii) information
23 regarding any involuntary foster home holds placed on the home
24 by the Department, and (iv) information regarding all child
25 exit interviews, as provided in Section 5.26 of the Children
26 and Family Services Act, regarding the home. Foster home

1 applicants with quality of care concerns are presumed
2 unsuitable for future licensure.

3 Notwithstanding the provisions of this subsection (b-5),
4 the Department may make an exception and issue a foster family
5 license to a quality of care concerns applicant if the
6 Department is satisfied that the foster family home does not
7 pose a risk to children and that the foster family will be able
8 to meet the physical and emotional needs of children. In
9 making this determination, the Department must obtain and
10 carefully review all relevant documents and shall obtain
11 consultation from its Clinical Division as appropriate and as
12 prescribed by Department rule and procedure. The Department
13 has the authority to deny a preliminary application based on
14 the record of quality of care concerns of the foster family
15 home. In the alternative, the Department may (i) approve the
16 preliminary application, (ii) approve the preliminary
17 application subject to obtaining additional information or
18 assessments, or (iii) approve the preliminary application for
19 purposes of placing a particular child or children only in the
20 foster family home. If the Department approves a preliminary
21 application, the foster family shall submit an application for
22 licensure as described in subsection (b) of this Section. The
23 Department shall notify the quality of care concerns applicant
24 of its decision and the basis for its decision in writing.

25 (c) The Department shall notify the public when a child
26 care institution, maternity center, or group home licensed by

1 the Department undergoes a change in (i) the range of care or
2 services offered at the facility, (ii) the age or type of
3 children served, or (iii) the area within the facility used by
4 children. The Department shall notify the public of the change
5 in a newspaper of general circulation in the county or
6 municipality in which the applicant's facility is or is
7 proposed to be located.

8 (d) If, upon examination of the facility and investigation
9 of persons responsible for care of children and, in the case of
10 a foster home, taking into account information obtained for
11 purposes of evaluating a preliminary application, if
12 applicable, the Department is satisfied that the facility and
13 responsible persons reasonably meet standards prescribed for
14 the type of facility for which application is made, it shall
15 issue a license in proper form, designating on that license
16 the type of child care facility and, except for a child welfare
17 agency, the number of children to be served at any one time.

18 (e) The Department shall not issue or renew the license of
19 any child welfare agency providing adoption services, unless
20 the agency (i) is officially recognized by the United States
21 Internal Revenue Service as a tax-exempt organization
22 described in Section 501(c)(3) of the Internal Revenue Code of
23 1986 (or any successor provision of federal tax law) and (ii)
24 is in compliance with all of the standards necessary to
25 maintain its status as an organization described in Section
26 501(c)(3) of the Internal Revenue Code of 1986 (or any

1 successor provision of federal tax law). The Department shall
2 grant a grace period of 24 months from the effective date of
3 this amendatory Act of the 94th General Assembly for existing
4 child welfare agencies providing adoption services to obtain
5 501(c)(3) status. The Department shall permit an existing
6 child welfare agency that converts from its current structure
7 in order to be recognized as a 501(c)(3) organization as
8 required by this Section to either retain its current license
9 or transfer its current license to a newly formed entity, if
10 the creation of a new entity is required in order to comply
11 with this Section, provided that the child welfare agency
12 demonstrates that it continues to meet all other licensing
13 requirements and that the principal officers and directors and
14 programs of the converted child welfare agency or newly
15 organized child welfare agency are substantially the same as
16 the original. The Department shall have the sole discretion to
17 grant a one year extension to any agency unable to obtain
18 501(c)(3) status within the timeframe specified in this
19 subsection (e), provided that such agency has filed an
20 application for 501(c)(3) status with the Internal Revenue
21 Service within the 2-year timeframe specified in this
22 subsection (e).

23 (Source: P.A. 101-63, eff. 7-12-19; 102-763, eff. 1-1-23.)

24 Section 30. The Illinois Public Aid Code is amended by
25 changing Section 5-2 as follows:

1 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

2 Sec. 5-2. Classes of persons eligible. Medical assistance
3 under this Article shall be available to any of the following
4 classes of persons in respect to whom a plan for coverage has
5 been submitted to the Governor by the Illinois Department and
6 approved by him. If changes made in this Section 5-2 require
7 federal approval, they shall not take effect until such
8 approval has been received:

9 1. Recipients of basic maintenance grants under
10 Articles III and IV.

11 2. Beginning January 1, 2014, persons otherwise
12 eligible for basic maintenance under Article III,
13 excluding any eligibility requirements that are
14 inconsistent with any federal law or federal regulation,
15 as interpreted by the U.S. Department of Health and Human
16 Services, but who fail to qualify thereunder on the basis
17 of need, and who have insufficient income and resources to
18 meet the costs of necessary medical care, including, but
19 not limited to, the following:

20 (a) All persons otherwise eligible for basic
21 maintenance under Article III but who fail to qualify
22 under that Article on the basis of need and who meet
23 either of the following requirements:

24 (i) their income, as determined by the
25 Illinois Department in accordance with any federal

1 requirements, is equal to or less than 100% of the
2 federal poverty level; or

3 (ii) their income, after the deduction of
4 costs incurred for medical care and for other
5 types of remedial care, is equal to or less than
6 100% of the federal poverty level.

7 (b) (Blank).

8 3. (Blank).

9 4. Persons not eligible under any of the preceding
10 paragraphs who fall sick, are injured, or die, not having
11 sufficient money, property or other resources to meet the
12 costs of necessary medical care or funeral and burial
13 expenses.

14 5.(a) Beginning January 1, 2020, individuals during
15 pregnancy and during the 12-month period beginning on the
16 last day of the pregnancy, together with their infants,
17 whose income is at or below 200% of the federal poverty
18 level. Until September 30, 2019, or sooner if the
19 maintenance of effort requirements under the Patient
20 Protection and Affordable Care Act are eliminated or may
21 be waived before then, individuals during pregnancy and
22 during the 12-month period beginning on the last day of
23 the pregnancy, whose countable monthly income, after the
24 deduction of costs incurred for medical care and for other
25 types of remedial care as specified in administrative
26 rule, is equal to or less than the Medical Assistance-No

1 Grant(C) (MANG(C)) Income Standard in effect on April 1,
2 2013 as set forth in administrative rule.

3 (b) The plan for coverage shall provide ambulatory
4 prenatal care to pregnant individuals during a presumptive
5 eligibility period and establish an income eligibility
6 standard that is equal to 200% of the federal poverty
7 level, provided that costs incurred for medical care are
8 not taken into account in determining such income
9 eligibility.

10 (c) The Illinois Department may conduct a
11 demonstration in at least one county that will provide
12 medical assistance to pregnant individuals together with
13 their infants and children up to one year of age, where the
14 income eligibility standard is set up to 185% of the
15 nonfarm income official poverty line, as defined by the
16 federal Office of Management and Budget. The Illinois
17 Department shall seek and obtain necessary authorization
18 provided under federal law to implement such a
19 demonstration. Such demonstration may establish resource
20 standards that are not more restrictive than those
21 established under Article IV of this Code.

22 6. (a) Subject to federal approval, children younger
23 than age 19 when countable income is at or below 313% of
24 the federal poverty level, as determined by the Department
25 and in accordance with all applicable federal
26 requirements. The Department is authorized to adopt

1 emergency rules to implement the changes made to this
2 paragraph by Public Act 102-43. Until September 30, 2019,
3 or sooner if the maintenance of effort requirements under
4 the Patient Protection and Affordable Care Act are
5 eliminated or may be waived before then, children younger
6 than age 19 whose countable monthly income, after the
7 deduction of costs incurred for medical care and for other
8 types of remedial care as specified in administrative
9 rule, is equal to or less than the Medical Assistance-No
10 Grant(C) (MANG(C)) Income Standard in effect on April 1,
11 2013 as set forth in administrative rule.

12 (b) Children and youth who are under temporary custody
13 or guardianship of the Department of Children and Family
14 Services or who receive financial assistance in support of
15 an adoption or guardianship placement from the Department
16 of Children and Family Services.

17 7. (Blank).

18 8. As required under federal law, persons who are
19 eligible for Transitional Medical Assistance as a result
20 of an increase in earnings or child or spousal support
21 received. The plan for coverage for this class of persons
22 shall:

23 (a) extend the medical assistance coverage to the
24 extent required by federal law; and

25 (b) offer persons who have initially received 6
26 months of the coverage provided in paragraph (a)

1 above, the option of receiving an additional 6 months
2 of coverage, subject to the following:

3 (i) such coverage shall be pursuant to
4 provisions of the federal Social Security Act;

5 (ii) such coverage shall include all services
6 covered under Illinois' State Medicaid Plan;

7 (iii) no premium shall be charged for such
8 coverage; and

9 (iv) such coverage shall be suspended in the
10 event of a person's failure without good cause to
11 file in a timely fashion reports required for this
12 coverage under the Social Security Act and
13 coverage shall be reinstated upon the filing of
14 such reports if the person remains otherwise
15 eligible.

16 9. Persons with acquired immunodeficiency syndrome
17 (AIDS) or with AIDS-related conditions with respect to
18 whom there has been a determination that but for home or
19 community-based services such individuals would require
20 the level of care provided in an inpatient hospital,
21 skilled nursing facility or intermediate care facility the
22 cost of which is reimbursed under this Article. Assistance
23 shall be provided to such persons to the maximum extent
24 permitted under Title XIX of the Federal Social Security
25 Act.

26 10. Participants in the long-term care insurance

1 partnership program established under the Illinois
2 Long-Term Care Partnership Program Act who meet the
3 qualifications for protection of resources described in
4 Section 15 of that Act.

5 11. Persons with disabilities who are employed and
6 eligible for Medicaid, pursuant to Section
7 1902(a)(10)(A)(ii)(xv) of the Social Security Act, and,
8 subject to federal approval, persons with a medically
9 improved disability who are employed and eligible for
10 Medicaid pursuant to Section 1902(a)(10)(A)(ii)(xvi) of
11 the Social Security Act, as provided by the Illinois
12 Department by rule. In establishing eligibility standards
13 under this paragraph 11, the Department shall, subject to
14 federal approval:

15 (a) set the income eligibility standard at not
16 lower than 350% of the federal poverty level;

17 (b) exempt retirement accounts that the person
18 cannot access without penalty before the age of 59
19 1/2, and medical savings accounts established pursuant
20 to 26 U.S.C. 220;

21 (c) allow non-exempt assets up to \$25,000 as to
22 those assets accumulated during periods of eligibility
23 under this paragraph 11; and

24 (d) continue to apply subparagraphs (b) and (c) in
25 determining the eligibility of the person under this
26 Article even if the person loses eligibility under

1 this paragraph 11.

2 12. Subject to federal approval, persons who are
3 eligible for medical assistance coverage under applicable
4 provisions of the federal Social Security Act and the
5 federal Breast and Cervical Cancer Prevention and
6 Treatment Act of 2000. Those eligible persons are defined
7 to include, but not be limited to, the following persons:

8 (1) persons who have been screened for breast or
9 cervical cancer under the U.S. Centers for Disease
10 Control and Prevention Breast and Cervical Cancer
11 Program established under Title XV of the federal
12 Public Health Service Act in accordance with the
13 requirements of Section 1504 of that Act as
14 administered by the Illinois Department of Public
15 Health; and

16 (2) persons whose screenings under the above
17 program were funded in whole or in part by funds
18 appropriated to the Illinois Department of Public
19 Health for breast or cervical cancer screening.

20 "Medical assistance" under this paragraph 12 shall be
21 identical to the benefits provided under the State's
22 approved plan under Title XIX of the Social Security Act.
23 The Department must request federal approval of the
24 coverage under this paragraph 12 within 30 days after July
25 3, 2001 (the effective date of Public Act 92-47).

26 In addition to the persons who are eligible for

1 medical assistance pursuant to subparagraphs (1) and (2)
2 of this paragraph 12, and to be paid from funds
3 appropriated to the Department for its medical programs,
4 any uninsured person as defined by the Department in rules
5 residing in Illinois who is younger than 65 years of age,
6 who has been screened for breast and cervical cancer in
7 accordance with standards and procedures adopted by the
8 Department of Public Health for screening, and who is
9 referred to the Department by the Department of Public
10 Health as being in need of treatment for breast or
11 cervical cancer is eligible for medical assistance
12 benefits that are consistent with the benefits provided to
13 those persons described in subparagraphs (1) and (2).
14 Medical assistance coverage for the persons who are
15 eligible under the preceding sentence is not dependent on
16 federal approval, but federal moneys may be used to pay
17 for services provided under that coverage upon federal
18 approval.

19 13. Subject to appropriation and to federal approval,
20 persons living with HIV/AIDS who are not otherwise
21 eligible under this Article and who qualify for services
22 covered under Section 5-5.04 as provided by the Illinois
23 Department by rule.

24 14. Subject to the availability of funds for this
25 purpose, the Department may provide coverage under this
26 Article to persons who reside in Illinois who are not

1 eligible under any of the preceding paragraphs and who
2 meet the income guidelines of paragraph 2(a) of this
3 Section and (i) have an application for asylum pending
4 before the federal Department of Homeland Security or on
5 appeal before a court of competent jurisdiction and are
6 represented either by counsel or by an advocate accredited
7 by the federal Department of Homeland Security and
8 employed by a not-for-profit organization in regard to
9 that application or appeal, or (ii) are receiving services
10 through a federally funded torture treatment center.
11 Medical coverage under this paragraph 14 may be provided
12 for up to 24 continuous months from the initial
13 eligibility date so long as an individual continues to
14 satisfy the criteria of this paragraph 14. If an
15 individual has an appeal pending regarding an application
16 for asylum before the Department of Homeland Security,
17 eligibility under this paragraph 14 may be extended until
18 a final decision is rendered on the appeal. The Department
19 may adopt rules governing the implementation of this
20 paragraph 14.

21 15. Family Care Eligibility.

22 (a) On and after July 1, 2012, a parent or other
23 caretaker relative who is 19 years of age or older when
24 countable income is at or below 133% of the federal
25 poverty level. A person may not spend down to become
26 eligible under this paragraph 15.

1 (b) Eligibility shall be reviewed annually.

2 (c) (Blank).

3 (d) (Blank).

4 (e) (Blank).

5 (f) (Blank).

6 (g) (Blank).

7 (h) (Blank).

8 (i) Following termination of an individual's
9 coverage under this paragraph 15, the individual must
10 be determined eligible before the person can be
11 re-enrolled.

12 16. Subject to appropriation, uninsured persons who
13 are not otherwise eligible under this Section who have
14 been certified and referred by the Department of Public
15 Health as having been screened and found to need
16 diagnostic evaluation or treatment, or both diagnostic
17 evaluation and treatment, for prostate or testicular
18 cancer. For the purposes of this paragraph 16, uninsured
19 persons are those who do not have creditable coverage, as
20 defined under the Health Insurance Portability and
21 Accountability Act, or have otherwise exhausted any
22 insurance benefits they may have had, for prostate or
23 testicular cancer diagnostic evaluation or treatment, or
24 both diagnostic evaluation and treatment. To be eligible,
25 a person must furnish a Social Security number. A person's
26 assets are exempt from consideration in determining

1 eligibility under this paragraph 16. Such persons shall be
2 eligible for medical assistance under this paragraph 16
3 for so long as they need treatment for the cancer. A person
4 shall be considered to need treatment if, in the opinion
5 of the person's treating physician, the person requires
6 therapy directed toward cure or palliation of prostate or
7 testicular cancer, including recurrent metastatic cancer
8 that is a known or presumed complication of prostate or
9 testicular cancer and complications resulting from the
10 treatment modalities themselves. Persons who require only
11 routine monitoring services are not considered to need
12 treatment. "Medical assistance" under this paragraph 16
13 shall be identical to the benefits provided under the
14 State's approved plan under Title XIX of the Social
15 Security Act. Notwithstanding any other provision of law,
16 the Department (i) does not have a claim against the
17 estate of a deceased recipient of services under this
18 paragraph 16 and (ii) does not have a lien against any
19 homestead property or other legal or equitable real
20 property interest owned by a recipient of services under
21 this paragraph 16.

22 17. Persons who, pursuant to a waiver approved by the
23 Secretary of the U.S. Department of Health and Human
24 Services, are eligible for medical assistance under Title
25 XIX or XXI of the federal Social Security Act.
26 Notwithstanding any other provision of this Code and

1 consistent with the terms of the approved waiver, the
2 Illinois Department, may by rule:

3 (a) Limit the geographic areas in which the waiver
4 program operates.

5 (b) Determine the scope, quantity, duration, and
6 quality, and the rate and method of reimbursement, of
7 the medical services to be provided, which may differ
8 from those for other classes of persons eligible for
9 assistance under this Article.

10 (c) Restrict the persons' freedom in choice of
11 providers.

12 18. Beginning January 1, 2014, persons aged 19 or
13 older, but younger than 65, who are not otherwise eligible
14 for medical assistance under this Section 5-2, who qualify
15 for medical assistance pursuant to 42 U.S.C.
16 1396a(a)(10)(A)(i)(VIII) and applicable federal
17 regulations, and who have income at or below 133% of the
18 federal poverty level plus 5% for the applicable family
19 size as determined pursuant to 42 U.S.C. 1396a(e)(14) and
20 applicable federal regulations. Persons eligible for
21 medical assistance under this paragraph 18 shall receive
22 coverage for the Health Benefits Service Package as that
23 term is defined in subsection (m) of Section 5-1.1 of this
24 Code. If Illinois' federal medical assistance percentage
25 (FMAP) is reduced below 90% for persons eligible for
26 medical assistance under this paragraph 18, eligibility

1 under this paragraph 18 shall cease no later than the end
2 of the third month following the month in which the
3 reduction in FMAP takes effect.

4 19. Beginning January 1, 2014, as required under 42
5 U.S.C. 1396a(a)(10)(A)(i)(IX), persons older than age 18
6 and younger than age 26 who are not otherwise eligible for
7 medical assistance under paragraphs (1) through (17) of
8 this Section who (i) were in foster care under the
9 responsibility of the State on the date of attaining age
10 18 or on the date of attaining age 22 ~~21~~ when a court has
11 continued wardship for good cause as provided in Section
12 2-31 of the Juvenile Court Act of 1987 and (ii) received
13 medical assistance under the Illinois Title XIX State Plan
14 or waiver of such plan while in foster care.

15 20. Beginning January 1, 2018, persons who are
16 foreign-born victims of human trafficking, torture, or
17 other serious crimes as defined in Section 2-19 of this
18 Code and their derivative family members if such persons:
19 (i) reside in Illinois; (ii) are not eligible under any of
20 the preceding paragraphs; (iii) meet the income guidelines
21 of subparagraph (a) of paragraph 2; and (iv) meet the
22 nonfinancial eligibility requirements of Sections 16-2,
23 16-3, and 16-5 of this Code. The Department may extend
24 medical assistance for persons who are foreign-born
25 victims of human trafficking, torture, or other serious
26 crimes whose medical assistance would be terminated

1 pursuant to subsection (b) of Section 16-5 if the
2 Department determines that the person, during the year of
3 initial eligibility (1) experienced a health crisis, (2)
4 has been unable, after reasonable attempts, to obtain
5 necessary information from a third party, or (3) has other
6 extenuating circumstances that prevented the person from
7 completing his or her application for status. The
8 Department may adopt any rules necessary to implement the
9 provisions of this paragraph.

10 21. Persons who are not otherwise eligible for medical
11 assistance under this Section who may qualify for medical
12 assistance pursuant to 42 U.S.C.
13 1396a(a)(10)(A)(ii)(XXIII) and 42 U.S.C. 1396(ss) for the
14 duration of any federal or State declared emergency due to
15 COVID-19. Medical assistance to persons eligible for
16 medical assistance solely pursuant to this paragraph 21
17 shall be limited to any in vitro diagnostic product (and
18 the administration of such product) described in 42 U.S.C.
19 1396d(a)(3)(B) on or after March 18, 2020, any visit
20 described in 42 U.S.C. 1396o(a)(2)(G), or any other
21 medical assistance that may be federally authorized for
22 this class of persons. The Department may also cover
23 treatment of COVID-19 for this class of persons, or any
24 similar category of uninsured individuals, to the extent
25 authorized under a federally approved 1115 Waiver or other
26 federal authority. Notwithstanding the provisions of

1 Section 1-11 of this Code, due to the nature of the
2 COVID-19 public health emergency, the Department may cover
3 and provide the medical assistance described in this
4 paragraph 21 to noncitizens who would otherwise meet the
5 eligibility requirements for the class of persons
6 described in this paragraph 21 for the duration of the
7 State emergency period.

8 In implementing the provisions of Public Act 96-20, the
9 Department is authorized to adopt only those rules necessary,
10 including emergency rules. Nothing in Public Act 96-20 permits
11 the Department to adopt rules or issue a decision that expands
12 eligibility for the FamilyCare Program to a person whose
13 income exceeds 185% of the Federal Poverty Level as determined
14 from time to time by the U.S. Department of Health and Human
15 Services, unless the Department is provided with express
16 statutory authority.

17 The eligibility of any such person for medical assistance
18 under this Article is not affected by the payment of any grant
19 under the Senior Citizens and Persons with Disabilities
20 Property Tax Relief Act or any distributions or items of
21 income described under subparagraph (X) of paragraph (2) of
22 subsection (a) of Section 203 of the Illinois Income Tax Act.

23 The Department shall by rule establish the amounts of
24 assets to be disregarded in determining eligibility for
25 medical assistance, which shall at a minimum equal the amounts
26 to be disregarded under the Federal Supplemental Security

1 Income Program. The amount of assets of a single person to be
2 disregarded shall not be less than \$2,000, and the amount of
3 assets of a married couple to be disregarded shall not be less
4 than \$3,000.

5 To the extent permitted under federal law, any person
6 found guilty of a second violation of Article VIII A shall be
7 ineligible for medical assistance under this Article, as
8 provided in Section 8A-8.

9 The eligibility of any person for medical assistance under
10 this Article shall not be affected by the receipt by the person
11 of donations or benefits from fundraisers held for the person
12 in cases of serious illness, as long as neither the person nor
13 members of the person's family have actual control over the
14 donations or benefits or the disbursement of the donations or
15 benefits.

16 Notwithstanding any other provision of this Code, if the
17 United States Supreme Court holds Title II, Subtitle A,
18 Section 2001(a) of Public Law 111-148 to be unconstitutional,
19 or if a holding of Public Law 111-148 makes Medicaid
20 eligibility allowed under Section 2001(a) inoperable, the
21 State or a unit of local government shall be prohibited from
22 enrolling individuals in the Medical Assistance Program as the
23 result of federal approval of a State Medicaid waiver on or
24 after June 14, 2012 (the effective date of Public Act 97-687),
25 and any individuals enrolled in the Medical Assistance Program
26 pursuant to eligibility permitted as a result of such a State

1 Medicaid waiver shall become immediately ineligible.

2 Notwithstanding any other provision of this Code, if an
3 Act of Congress that becomes a Public Law eliminates Section
4 2001(a) of Public Law 111-148, the State or a unit of local
5 government shall be prohibited from enrolling individuals in
6 the Medical Assistance Program as the result of federal
7 approval of a State Medicaid waiver on or after June 14, 2012
8 (the effective date of Public Act 97-687), and any individuals
9 enrolled in the Medical Assistance Program pursuant to
10 eligibility permitted as a result of such a State Medicaid
11 waiver shall become immediately ineligible.

12 Effective October 1, 2013, the determination of
13 eligibility of persons who qualify under paragraphs 5, 6, 8,
14 15, 17, and 18 of this Section shall comply with the
15 requirements of 42 U.S.C. 1396a(e)(14) and applicable federal
16 regulations.

17 The Department of Healthcare and Family Services, the
18 Department of Human Services, and the Illinois health
19 insurance marketplace shall work cooperatively to assist
20 persons who would otherwise lose health benefits as a result
21 of changes made under Public Act 98-104 to transition to other
22 health insurance coverage.

23 (Source: P.A. 101-10, eff. 6-5-19; 101-649, eff. 7-7-20;
24 102-43, eff. 7-6-21; 102-558, eff. 8-20-21; 102-665, eff.
25 10-8-21; 102-813, eff. 5-13-22.)

1 Section 35. The Juvenile Court Act of 1987 is amended by
2 changing Sections 2-23, 2-31, 2-33, and 2-34 as follows:

3 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

4 Sec. 2-23. Kinds of dispositional orders.

5 (1) The following kinds of orders of disposition may be
6 made in respect of wards of the court:

7 (a) A minor found to be neglected or abused under
8 Section 2-3 or dependent under Section 2-4 may be (1)
9 continued in the custody of the minor's parents, guardian
10 or legal custodian; (2) placed in accordance with Section
11 2-27; (3) restored to the custody of the parent, parents,
12 guardian, or legal custodian, provided the court shall
13 order the parent, parents, guardian, or legal custodian to
14 cooperate with the Department of Children and Family
15 Services and comply with the terms of an after-care plan
16 or risk the loss of custody of the child and the possible
17 termination of their parental rights; or (4) ordered
18 partially or completely emancipated in accordance with the
19 provisions of the Emancipation of Minors Act.

20 If the minor is being restored to the custody of a
21 parent, legal custodian, or guardian who lives outside of
22 Illinois, and an Interstate Compact has been requested and
23 refused, the court may order the Department of Children
24 and Family Services to arrange for an assessment of the
25 minor's proposed living arrangement and for ongoing

1 monitoring of the health, safety, and best interest of the
2 minor and compliance with any order of protective
3 supervision entered in accordance with Section 2-24.

4 However, in any case in which a minor is found by the
5 court to be neglected or abused under Section 2-3 of this
6 Act, custody of the minor shall not be restored to any
7 parent, guardian or legal custodian whose acts or
8 omissions or both have been identified, pursuant to
9 subsection (1) of Section 2-21, as forming the basis for
10 the court's finding of abuse or neglect, until such time
11 as a hearing is held on the issue of the best interests of
12 the minor and the fitness of such parent, guardian or
13 legal custodian to care for the minor without endangering
14 the minor's health or safety, and the court enters an
15 order that such parent, guardian or legal custodian is fit
16 to care for the minor.

17 (b) A minor found to be dependent under Section 2-4
18 may be (1) placed in accordance with Section 2-27 or (2)
19 ordered partially or completely emancipated in accordance
20 with the provisions of the Emancipation of Minors Act.

21 However, in any case in which a minor is found by the
22 court to be dependent under Section 2-4 of this Act,
23 custody of the minor shall not be restored to any parent,
24 guardian or legal custodian whose acts or omissions or
25 both have been identified, pursuant to subsection (1) of
26 Section 2-21, as forming the basis for the court's finding

1 of dependency, until such time as a hearing is held on the
2 issue of the fitness of such parent, guardian or legal
3 custodian to care for the minor without endangering the
4 minor's health or safety, and the court enters an order
5 that such parent, guardian or legal custodian is fit to
6 care for the minor.

7 (b-1) A minor between the ages of 18 and 23 ~~21~~ may be
8 placed pursuant to Section 2-27 of this Act if (1) the
9 court has granted a supplemental petition to reinstate
10 wardship of the minor pursuant to subsection (2) of
11 Section 2-33, (2) the court has adjudicated the minor a
12 ward of the court, permitted the minor to return home
13 under an order of protection, and subsequently made a
14 finding that it is in the minor's best interest to vacate
15 the order of protection and commit the minor to the
16 Department of Children and Family Services for care and
17 service, or (3) the court returned the minor to the
18 custody of the respondent under Section 2-4b of this Act
19 without terminating the proceedings under Section 2-31 of
20 this Act, and subsequently made a finding that it is in the
21 minor's best interest to commit the minor to the
22 Department of Children and Family Services for care and
23 services.

24 (c) When the court awards guardianship to the
25 Department of Children and Family Services, the court
26 shall order the parents to cooperate with the Department

1 of Children and Family Services, comply with the terms of
2 the service plans, and correct the conditions that require
3 the child to be in care, or risk termination of their
4 parental rights.

5 (2) Any order of disposition may provide for protective
6 supervision under Section 2-24 and may include an order of
7 protection under Section 2-25.

8 Unless the order of disposition expressly so provides, it
9 does not operate to close proceedings on the pending petition,
10 but is subject to modification, not inconsistent with Section
11 2-28, until final closing and discharge of the proceedings
12 under Section 2-31.

13 (3) The court also shall enter any other orders necessary
14 to fulfill the service plan, including, but not limited to,
15 (i) orders requiring parties to cooperate with services, (ii)
16 restraining orders controlling the conduct of any party likely
17 to frustrate the achievement of the goal, and (iii) visiting
18 orders. When the child is placed separately from a sibling,
19 the court shall review the Sibling Contact Support Plan
20 developed under subsection (f) of Section 7.4 of the Children
21 and Family Services Act, if applicable. If the Department has
22 not convened a meeting to develop a Sibling Contact Support
23 Plan, or if the court finds that the existing Plan is not in
24 the child's best interest, the court may enter an order
25 requiring the Department to develop and implement a Sibling
26 Contact Support Plan under subsection (f) of Section 7.4 of

1 the Children and Family Services Act or order mediation.
2 Unless otherwise specifically authorized by law, the court is
3 not empowered under this subsection (3) to order specific
4 placements, specific services, or specific service providers
5 to be included in the plan. If, after receiving evidence, the
6 court determines that the services contained in the plan are
7 not reasonably calculated to facilitate achievement of the
8 permanency goal, the court shall put in writing the factual
9 basis supporting the determination and enter specific findings
10 based on the evidence. The court also shall enter an order for
11 the Department to develop and implement a new service plan or
12 to implement changes to the current service plan consistent
13 with the court's findings. The new service plan shall be filed
14 with the court and served on all parties within 45 days after
15 the date of the order. The court shall continue the matter
16 until the new service plan is filed. Except as authorized by
17 subsection (3.5) of this Section or authorized by law, the
18 court is not empowered under this Section to order specific
19 placements, specific services, or specific service providers
20 to be included in the service plan.

21 (3.5) If, after reviewing the evidence, including evidence
22 from the Department, the court determines that the minor's
23 current or planned placement is not necessary or appropriate
24 to facilitate achievement of the permanency goal, the court
25 shall put in writing the factual basis supporting its
26 determination and enter specific findings based on the

1 evidence. If the court finds that the minor's current or
2 planned placement is not necessary or appropriate, the court
3 may enter an order directing the Department to implement a
4 recommendation by the minor's treating clinician or a
5 clinician contracted by the Department to evaluate the minor
6 or a recommendation made by the Department. If the Department
7 places a minor in a placement under an order entered under this
8 subsection (3.5), the Department has the authority to remove
9 the minor from that placement when a change in circumstances
10 necessitates the removal to protect the minor's health,
11 safety, and best interest. If the Department determines
12 removal is necessary, the Department shall notify the parties
13 of the planned placement change in writing no later than 10
14 days prior to the implementation of its determination unless
15 remaining in the placement poses an imminent risk of harm to
16 the minor, in which case the Department shall notify the
17 parties of the placement change in writing immediately
18 following the implementation of its decision. The Department
19 shall notify others of the decision to change the minor's
20 placement as required by Department rule.

21 (4) In addition to any other order of disposition, the
22 court may order any minor adjudicated neglected with respect
23 to the minor's own injurious behavior to make restitution, in
24 monetary or non-monetary form, under the terms and conditions
25 of Section 5-5-6 of the Unified Code of Corrections, except
26 that the "presentence hearing" referred to therein shall be

1 the dispositional hearing for purposes of this Section. The
2 parent, guardian or legal custodian of the minor may pay some
3 or all of such restitution on the minor's behalf.

4 (5) Any order for disposition where the minor is committed
5 or placed in accordance with Section 2-27 shall provide for
6 the parents or guardian of the estate of such minor to pay to
7 the legal custodian or guardian of the person of the minor such
8 sums as are determined by the custodian or guardian of the
9 person of the minor as necessary for the minor's needs. Such
10 payments may not exceed the maximum amounts provided for by
11 Section 9.1 of the Children and Family Services Act.

12 (6) Whenever the order of disposition requires the minor
13 to attend school or participate in a program of training, the
14 truant officer or designated school official shall regularly
15 report to the court if the minor is a chronic or habitual
16 truant under Section 26-2a of the School Code.

17 (7) The court may terminate the parental rights of a
18 parent at the initial dispositional hearing if all of the
19 conditions in subsection (5) of Section 2-21 are met.

20 (Source: P.A. 102-489, eff. 8-20-21; 103-22, eff. 8-8-23.)

21 (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

22 Sec. 2-31. Duration of wardship and discharge of
23 proceedings.

24 (1) All proceedings under Article II of this Act in
25 respect of any minor automatically terminate upon the minor

1 attaining the age of 23 ~~21~~ years.

2 (2) Whenever the court determines, and makes written
3 factual findings, that health, safety, and the best interests
4 of the minor and the public no longer require the wardship of
5 the court, the court shall order the wardship terminated and
6 all proceedings under this Act respecting that minor finally
7 closed and discharged. The court may at the same time continue
8 or terminate any custodianship or guardianship theretofore
9 ordered but the termination must be made in compliance with
10 Section 2-28. When terminating wardship under this Section, if
11 the minor is over 18 or if wardship is terminated in
12 conjunction with an order partially or completely emancipating
13 the minor in accordance with the Emancipation of Minors Act,
14 the court shall also consider the following factors, in
15 addition to the health, safety, and best interest of the minor
16 and the public: (A) the minor's wishes regarding case closure;
17 (B) the manner in which the minor will maintain independence
18 without services from the Department; (C) the minor's
19 engagement in services including placement offered by the
20 Department; (D) if the minor is not engaged, the Department's
21 efforts to engage the minor; (E) the nature of communication
22 between the minor and the Department; (F) the minor's
23 involvement in other State systems or services; (G) the
24 minor's connections with family and other community support;
25 and (H) any other factor the court deems relevant. The minor's
26 lack of cooperation with services provided by the Department

1 of Children and Family Services shall not by itself be
2 considered sufficient evidence that the minor is prepared to
3 live independently and that it is in the best interest of the
4 minor to terminate wardship. It shall not be in the minor's
5 best interest to terminate wardship of a minor over the age of
6 18 who is in the guardianship of the Department of Children and
7 Family Services if the Department has not made reasonable
8 efforts to ensure that the minor has documents necessary for
9 adult living as provided in Section 35.10 of the Children and
10 Family Services Act.

11 (3) The wardship of the minor and any custodianship or
12 guardianship respecting the minor for whom a petition was
13 filed after July 24, 1991 (the effective date of Public Act
14 87-14) automatically terminates when the minor attains the age
15 of 19 years, except as set forth in subsection (1) of this
16 Section. The clerk of the court shall at that time record all
17 proceedings under this Act as finally closed and discharged
18 for that reason. The provisions of this subsection (3) become
19 inoperative on and after July 12, 2019 (the effective date of
20 Public Act 101-78).

21 (4) Notwithstanding any provision of law to the contrary,
22 the changes made by Public Act 101-78 apply to all cases that
23 are pending on or after July 12, 2019 (the effective date of
24 Public Act 101-78).

25 (Source: P.A. 102-558, eff. 8-20-21; 103-22, eff. 8-8-23.)

1 (705 ILCS 405/2-33)

2 Sec. 2-33. Supplemental petition to reinstate wardship.

3 (1) Any time prior to a minor's 18th birthday, pursuant to
4 a supplemental petition filed under this Section, the court
5 may reinstate wardship and open a previously closed case when:

6 (a) wardship and guardianship under the Juvenile Court
7 Act of 1987 was vacated in conjunction with the
8 appointment of a private guardian under the Probate Act of
9 1975;

10 (b) the minor is not presently a ward of the court
11 under Article II of this Act nor is there a petition for
12 adjudication of wardship pending on behalf of the minor;
13 and

14 (c) it is in the minor's best interest that wardship
15 be reinstated.

16 (2) Any time prior to a minor's 23rd ~~21st~~ birthday,
17 pursuant to a supplemental petition filed under this Section,
18 the court may reinstate wardship and open a previously closed
19 case when:

20 (a) wardship and guardianship under this Act was
21 vacated pursuant to:

22 (i) an order entered under subsection (2) of
23 Section 2-31 in the case of a minor over the age of 18;

24 (ii) closure of a case under subsection (2) of
25 Section 2-31 in the case of a minor under the age of 18
26 who has been partially or completely emancipated in

1 accordance with the Emancipation of Minors Act; or
2 (iii) an order entered under subsection (3) of
3 Section 2-31 based on the minor's attaining the age of
4 19 years before the effective date of this amendatory
5 Act of the 101st General Assembly;

6 (b) the minor is not presently a ward of the court
7 under Article II of this Act nor is there a petition for
8 adjudication of wardship pending on behalf of the minor;
9 and

10 (c) it is in the minor's best interest that wardship
11 be reinstated.

12 (3) The supplemental petition must be filed in the same
13 proceeding in which the original adjudication order was
14 entered. Unless excused by court for good cause shown, the
15 petitioner shall give notice of the time and place of the
16 hearing on the supplemental petition, in person or by mail, to
17 the minor, if the minor is 14 years of age or older, and to the
18 parties to the juvenile court proceeding. Notice shall be
19 provided at least 3 court days in advance of the hearing date.

20 (3.5) Whenever a petition is filed to reinstate wardship
21 pursuant to subsection (1), prior to granting the petition,
22 the court may order the Department of Children and Family
23 Services to assess the minor's current and proposed living
24 arrangements and to provide ongoing monitoring of the health,
25 safety, and best interest of the minor during the pendency of
26 the petition to assist the court in making that determination.

1 (4) A minor who is the subject of a petition to reinstate
2 wardship under this Section shall be provided with
3 representation in accordance with Sections 1-5 and 2-17 of
4 this Act.

5 (5) Whenever a minor is committed to the Department of
6 Children and Family Services for care and services following
7 the reinstatement of wardship under this Section, the
8 Department shall:

9 (a) Within 30 days of such commitment, prepare and
10 file with the court a case plan which complies with the
11 federal Adoption Assistance and Child Welfare Act of 1980
12 and is consistent with the health, safety and best
13 interests of the minor; and

14 (b) Promptly refer the minor for such services as are
15 necessary and consistent with the minor's health, safety
16 and best interests.

17 (Source: P.A. 101-78, eff. 7-12-19; 102-489, eff. 8-20-21.)

18 (705 ILCS 405/2-34)

19 Sec. 2-34. Motion to reinstate parental rights.

20 (1) For purposes of this subsection (1), the term "parent"
21 refers to the person or persons whose rights were terminated
22 as described in paragraph (a) of this subsection; and the term
23 "minor" means a person under the age of 23 ~~21~~ years subject to
24 this Act for whom the Department of Children and Family
25 Services Guardianship Administrator is appointed the temporary

1 custodian or guardian.

2 A motion to reinstate parental rights may be filed only by
3 the Department of Children and Family Services or the minor
4 regarding any minor who is presently a ward of the court under
5 Article II of this Act when all the conditions set out in
6 paragraphs (a), (b), (c), (d), (e), (f), and (g) of this
7 subsection (1) are met:

8 (a) while the minor was under the jurisdiction of the
9 court under Article II of this Act, the minor's parent or
10 parents surrendered the minor for adoption to an agency
11 legally authorized to place children for adoption, or the
12 minor's parent or parents consented to the minor's
13 adoption, or the minor's parent or parents consented to
14 the minor's adoption by a specified person or persons, or
15 the parent or parents' rights were terminated pursuant to
16 a finding of unfitness pursuant to Section 2-29 of this
17 Act and a guardian was appointed with the power to consent
18 to adoption pursuant to Section 2-29 of this Act; and

19 (b) (i) since the signing of the surrender, the
20 signing of the consent, or the unfitness finding, the
21 minor has remained a ward of the Court under Article II of
22 this Act; or

23 (ii) the minor was made a ward of the Court, the minor
24 was placed in the private guardianship of an individual or
25 individuals, and after the appointment of a private
26 guardian and a new petition alleging abuse, neglect, or

1 dependency pursuant to Section 2-3 or 2-4 is filed, and
2 the minor is again found by the court to be abused,
3 neglected or dependent; or a supplemental petition to
4 reinstate wardship is filed pursuant to Section 2-33, and
5 the court reinstates wardship; or

6 (iii) the minor was made a ward of the Court, wardship
7 was terminated after the minor was adopted, after the
8 adoption a new petition alleging abuse, neglect, or
9 dependency pursuant to Section 2-3 or 2-4 is filed, and
10 the minor is again found by the court to be abused,
11 neglected, or dependent, and either (i) the adoptive
12 parent or parents are deceased, (ii) the adoptive parent
13 or parents signed a surrender of parental rights, or (iii)
14 the parental rights of the adoptive parent or parents were
15 terminated;

16 (c) the minor is not currently in a placement likely
17 to achieve permanency;

18 (d) it is in the minor's best interest that parental
19 rights be reinstated;

20 (e) the parent named in the motion wishes parental
21 rights to be reinstated and is currently appropriate to
22 have rights reinstated;

23 (f) more than 3 years have lapsed since the signing of
24 the consent or surrender, or the entry of the order
25 appointing a guardian with the power to consent to
26 adoption;

1 (g) (i) the child is 13 years of age or older or (ii)
2 the child is the younger sibling of such child, 13 years of
3 age or older, for whom reinstatement of parental rights is
4 being sought and the younger sibling independently meets
5 the criteria set forth in paragraphs (a) through (h) of
6 this subsection; and

7 (h) if the court has previously denied a motion to
8 reinstate parental rights filed by the Department, there
9 has been a substantial change in circumstances following
10 the denial of the earlier motion.

11 (2) The motion may be filed only by the Department of
12 Children and Family Services or by the minor. Unless excused
13 by the court for good cause shown, the movant shall give notice
14 of the time and place of the hearing on the motion, in person
15 or by mail, to the parties to the juvenile court proceeding.
16 Notice shall be provided at least 14 days in advance of the
17 hearing date. The motion shall include the allegations
18 required in subsection (1) of this Section.

19 (3) Any party may file a motion to dismiss the motion with
20 prejudice on the basis that the parent has intentionally acted
21 to prevent the child from being adopted, after parental rights
22 were terminated or the parent intentionally acted to disrupt
23 the child's adoption. If the court finds by a preponderance of
24 the evidence that the parent has intentionally acted to
25 prevent the child from being adopted, after parental rights
26 were terminated or that the parent intentionally acted to

1 disrupt the child's adoption, the court shall dismiss the
2 petition with prejudice.

3 (4) The court shall not grant a motion for reinstatement
4 of parental rights unless the court finds that the motion is
5 supported by clear and convincing evidence. In ruling on a
6 motion to reinstate parental rights, the court shall make
7 findings consistent with the requirements in subsection (1) of
8 this Section. The court shall consider the reasons why the
9 child was initially brought to the attention of the court, the
10 history of the child's case as it relates to the parent seeking
11 reinstatement, and the current circumstances of the parent for
12 whom reinstatement of rights is sought. If reinstatement is
13 being considered subsequent to a finding of unfitness pursuant
14 to Section 2-29 of this Act having been entered with respect to
15 the parent whose rights are being restored, the court in
16 determining the minor's best interest shall consider, in
17 addition to the factors set forth in paragraph (4.05) of
18 Section 1-3 of this Act, the specific grounds upon which the
19 unfitness findings were made. Upon the entry of an order
20 granting a motion to reinstate parental rights, parental
21 rights of the parent named in the order shall be reinstated,
22 any previous order appointing a guardian with the power to
23 consent to adoption shall be void and with respect to the
24 parent named in the order, any consent shall be void.

25 (5) If the case is post-disposition, the court, upon the
26 entry of an order granting a motion to reinstate parental

1 rights, shall schedule the matter for a permanency hearing
2 pursuant to Section 2-28 of this Act within 45 days.

3 (6) Custody of the minor shall not be restored to the
4 parent, except by order of court pursuant to subsection (4) of
5 Section 2-28 of this Act.

6 (7) In any case involving a child over the age of 13 who
7 meets the criteria established in this Section for
8 reinstatement of parental rights, the Department of Children
9 and Family Services shall conduct an assessment of the child's
10 circumstances to assist in future planning for the child,
11 including, but not limited to a determination regarding the
12 appropriateness of filing a motion to reinstate parental
13 rights.

14 (8) (Blank).

15 (Source: P.A. 103-22, eff. 8-8-23.)

16 Section 40. The Unified Code of Corrections is amended by
17 changing Section 5-9-1.21 as follows:

18 (730 ILCS 5/5-9-1.21)

19 Sec. 5-9-1.21. Specialized Services for Survivors of Human
20 Trafficking Fund.

21 (a) There is created in the State treasury a Specialized
22 Services for Survivors of Human Trafficking Fund. Moneys
23 deposited into the Fund under this Section shall be available
24 for the Department of Human Services for the purposes in this

1 Section.

2 (b) (Blank).

3 (c) (Blank).

4 (d) Upon appropriation of moneys from the Specialized
5 Services for Survivors of Human Trafficking Fund, the
6 Department of Human Services shall use these moneys to make
7 grants to non-governmental organizations that ~~to~~ provide
8 specialized comprehensive treatment and support services ~~7~~
9 ~~trauma informed services~~ specifically designed to address the
10 priority service needs associated with prostitution and human
11 trafficking. Priority services include, but are not limited
12 to, community based drop-in centers, emergency housing, ~~and~~
13 long-term safe homes, medical care, mental health and
14 substance abuse care, nutritional counseling, job training,
15 transportation, and other basic human needs. The Department
16 shall consult with prostitution and human trafficking
17 advocates, survivors, and service providers to identify
18 priority service needs in their respective communities.

19 (e) Grants made under this Section are in addition to, and
20 not substitutes for, other grants authorized and made by the
21 Department.

22 (f) Notwithstanding any other law to the contrary, the
23 Specialized Services for Survivors of Human Trafficking Fund
24 is not subject to sweeps, administrative charge-backs, or any
25 other fiscal maneuver that would in any way transfer any
26 amounts from the Specialized Services for Survivors of Human

1 Trafficking Fund into any other fund of the State.

2 (g) Subsections (b) and (c) of Section 5 of the State
3 Finance Act do not apply to the Specialized Services for
4 Survivors of Human Trafficking Fund.

5 (Source: P.A. 100-987, eff. 7-1-19.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.

1		INDEX
2		Statutes amended in order of appearance
3	15 ILCS 335/12	from Ch. 124, par. 32
4	20 ILCS 505/5	
5	20 ILCS 505/5.06 new	
6	20 ILCS 505/5.07 new	
7	20 ILCS 2605/2605-51a new	
8	30 ILCS 105/5	from Ch. 127, par. 141
9	225 ILCS 10/2.21a new	
10	225 ILCS 10/3.7 new	
11	225 ILCS 10/4	from Ch. 23, par. 2214
12	305 ILCS 5/5-2	from Ch. 23, par. 5-2
13	705 ILCS 405/2-23	from Ch. 37, par. 802-23
14	705 ILCS 405/2-31	from Ch. 37, par. 802-31
15	705 ILCS 405/2-33	
16	705 ILCS 405/2-34	
17	730 ILCS 5/5-9-1.21	